

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

Hoyer Hall at Clayton Community Library
6125 Clayton Road, Clayton, California
and
Via Zoom Webinar
Webinar ID: 819 3344 0228

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

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

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

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda are available for review on the City's website at https://claytonca.gov/community-development/planning/planning-commission/planning-commision-agendas/.

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at 925-673-7300.

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

Instructions for Virtual Planning Commission Meeting Participation

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

Videoconference: To join the meeting on-line via smart phone or computer, click on the link: https://us02web.zoom.us/j/81933440228; or, through the Zoom application, enter **Webinar ID: 819 3344 0228**. No registration or meeting password is required.

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

Email Public Comments: If preferred, please email public comments to the Community Development Director at danaa@claytonca.gov by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

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

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PRESENTATIONS**

5. **DELETIONS AND CONTINUANCES**

   A. Roadside 22 Beer and Wine Bar Use Permit (UP-02-2022)

6. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agendized public hearing or action items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.

7. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to three minutes will be allotted to each speaker.

8. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda.

   A. MINUTES:
   Planning Commission Meeting of November 22, 2022

9. **PUBLIC HEARING**

   A. Recommendation on the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element Amendments, and Consideration of the Final Environmental Impact Report Prepared for the Project

   The purpose of the public hearing is to consider the update to the City of Clayton General Plan Housing Element for the 6th housing cycle (2023-2031). The updated Housing Element includes programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and identifies how the City of Clayton (City) plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units. In addition to update of the Housing Element, associated amendments to land use descriptions, goals and policies in the Land Use Element of the General Plan are proposed to increase residential densities to support greater variety in housing types in the City. Amendments to the

land use designations on the General Plan Land Use Map are also proposed for the following properties:

- 1578 Kirker Pass Road, Assessor's Parcel No. (APN) 118-031-054, proposed amendment from *Kirker Corridor Commercial* to *Institutional Density*
- Diablo Creek Place, APN 118-230-002, proposed amendment from *Public Park/Open Space* to *Single-Family Low Density Residential*
- 6955 Marsh Creek Road, APN 119-080-009, proposed amendment from *Public Park/Open Space* and *Single-Family Low Density Residential* to *Multifamily Low Density Residential*
- Clayton Road at Peacock Creek Drive, APN 118-370-073, proposed amendment from *Private Open Space* to *Multifamily Medium Density Residential*
- Oakhurst Golf Course Driving Range, portions of APNs 118-370-017, 118-370-086, 118-370-087 and 118-370-088, proposed amendment from *Private Open Space* to *Multifamily High Density Residential*
- 1970 Eagle Peak Avenue, portion of APN 118-370-040, proposed amendment from *Rural Estate* to *Multifamily Medium Density Residential*

Following the public hearing, the Planning Commission will be asked to make a recommendation to the City Council on the proposed update to the Housing Element and the associated Land Use Element and Land Use Map amendments. If recommended by the Planning Commission and approved by the City Council, the updated Housing Element and the amended Land Use Element land use descriptions, goals and policies would apply to properties throughout the City.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) has been prepared to analyze the potential impacts on the environment that could occur with adoption of the Housing Element update and related land use amendments. The Planning Commission must consider the information in the Final EIR prior to making its recommendation to the City Council regarding certification of the EIR and adoption of the proposed General Plan amendments.

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

11. ADJOURNMENT

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

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, November 22, 2022

1. CALL TO ORDER

Vice Chair Richard Enea called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Enea led the Pledge of Allegiance.

3. ROLL CALL

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

Planning Commission Secretary/Community Development Director Dana Ayers and Assistant Planner Milan Sikela were present from City staff.

4. PRESENTATIONS

There were no presentations.

5. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

6. PUBLIC COMMENT

There were no public comments.

7. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of September 13, 2022.

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Vice Chair Enea invited a motion.

Commissioner Miller moved to adopt the Consent Calendar with Meeting Minutes of the September 13, 2022 meeting, as submitted. Commissioner Cesarin seconded the motion. The motion passed by vote of 4 to 0.

8. COMMENT SESSION

A. Study Session on the City of Clayton Draft Housing Element Update for the 6th Cycle (2023-2031).

This is a study session for the purposes of reviewing comments received from the California Department of Housing and Community Development (HCD) on the HCD Review Draft Housing Element for the 6th Cycle (2023-2031), and to discuss the revisions to policies, programs and the housing sites inventory that have been made to the draft Housing Element in response to HCD's review. No recommendation from the Planning Commission to the City Council to adopt the Housing Element is requested at this meeting.

Director Ayers presented the item and shared a slide deck summarizing the comment letter received from HCD and the changes made to the draft Housing Element in response to HCD comments. Director Ayers also introduced Laura Stetson of the consulting firm MIG, who has been working with City staff to prepare the update of the Housing Element.

In response to Commissioner Miller, Director Ayers explained that the sites inventory in the current draft Housing Element was a fusion of the decreased unit count of Alternative 2 (Reduced Residential Development Capacity at Site M and Town Center Sites), and the increased unit count of Alternative 3 (Reduced Residential Development at Site M and Town Center and Addition of Sites T, U and V to the Housing Site Inventory) of the environmental impact report (EIR) prepared for the project.

Commissioner Shulman asked if the City was in danger of not meeting the deadline for completing the Housing Element. She expressed concern about the "Builder's Remedy" that would allow developers to build any size of project in any community that did not have a Housing Element adopted by the deadline.

Director Ayers advised that the City must adopt a Housing Element for the 6th housing cycle by January 31, 2023. With a public hearing scheduled before the Commission on December 13, 2022, and a City Council public hearing scheduled for January, the City was on track to meet that deadline. She explained that application of the Builder's Remedy would limit the City's options for denying a proposed housing development; however, developments must still comply with density standards in the City's General Plan and Zoning Ordinance. Ms. Stetson added that developers pursuing entitlements using the Builder's Remedy would need to set aside least 20 percent of the units in the development for low-income households. With

high construction costs, and with densities in Clayton being relatively low compared to some other jurisdictions, she thought the affordability requirement might discourage some developers from using the Builder's Remedy in Clayton.

Commissioner Shulman asked if the zoning regulations had standards for building heights, and if the building height standards were acceptable or not. Director Ayers advised that the regulations of the Zoning Ordinance did include maximum building height standards. She explained that density bonus provisions could allow developers to obtain waiver of those maximum standards, but she was not sure that land values in the City would facilitate building of a structure higher than what the Zoning Ordinance allows. Speaking specifically to The Olivia on Marsh Creek project, Commissioner Shulman asked if the increased height for that project was a result of its density bonus request. Assistant Planner Sikela and Director Ayers clarified that the maximum building height allowed for structures in the Town Center was 40 feet, and the structures approved to be built in The Olivia on Marsh Creek project were within that maximum allowed building height.

There were no further questions from Commissioners. Vice Chair Enea confirmed with staff that no audience member in attendance online or in the room had requested to speak on this item. Vice Chair Enea invited comments from Commissioners.

Referencing page 5-5 of the draft Housing Element, Commissioner Cesarin asked how assumptions of income levels for accessory dwelling units (ADUs) were determined. He also asked if any of the pre-approved ADU plans that the City was developing were compliant with the Americans with Disabilities Act. Director Ayers advised that the allocation of ADUs across the income levels was based on methodology recommended by staff of the Association of Bay Area Governments (ABAG). That methodology based the projected number of ADUs to be built during the housing cycle on the number of ADUs that had been built in the jurisdiction from 2019 forward. The methodology also distributed income allocations for ADUs, assuming that 10 percent of ADUs would be affordable for above-moderate income households, and the remaining 90 percent would be equally divided among very low-, low- and moderate-income households. She believed that ABAG staff had vetted their methodology with HCD staff since ABAG was recommending their formula be used to all of the jurisdictions in the nine-county Bay Area region. Director Ayers further stated that the pre-approved ADU plans being developed were all single-story and were visitable, and that they could be adapted for residents with physical limitations. She said that the City could consider developing an alternative for one of the six plans that has additional features for persons with physical limitations, and that there would be additional cost for that work.

Referencing text in the HCD letter, Commissioner Cesarin asked if housing on sites that were in the inventory and that were in nonresidential zones—particularly sites in the Town Center—could not be used to count toward the City's housing allocation. He believed that the comment meant that sites zoned for mixed or nonresidential use could not be counted toward the City's housing allocation, and he asked if the City could still meet its housing allocation without those sites. Ms. Stetson said that the comment referenced is a form comment that has been in every letter that her team has seen from HCD. She clarified that the HCD comment is intended to confirm whether the jurisdiction has analyzed and accounted for the presence of inventory sites that may allow for 100 percent nonresidential development. She advised that the draft Housing Element did indeed account for this possibility. She acknowledged that mixed use development was encouraged in the Town Center, but that 100 percent commercial development could also be built there. She advised that the selection of Town Center sites was judicious and did not include all of the properties in the Town Center, while considerations in site selection were made based on City ownership, prior development entitlements, or good potential for mixed use projects. She understood that it was not HCD's intent to direct that mixed use or nonresidentially-zoned sites be taken out of the inventory, nor did she think that the City needed to remove the sites from the inventory, though she suggested that the City would clarify its sites selection process in the response back to HCD.

Commissioner Cesarin said that he had anecdotally heard concern about adding sites in the Town Center to the housing inventory. Referencing the summary of the Balancing Act housing simulation, he suggested that the simulation was not a statistically-sound or reliable data source and could not be used as a guide for what the City wants. With 44 responses submitted in the simulation, he expressed concern that HCD staff would consider that as inadequate community involvement.

Vice Chair Enea stated that the Town Center was not very big and sites were limited. In Crescent City, where he had previously lived and served as a Planning Commissioner, residential uses were allowed on upper floors above businesses. He suggested that same could be done in Clayton.

Commissioner Miller said he initially read the language in the HCD letter with regard to nonresidential sites with the same interpretation as Commissioner Cesarin. However, upon hearing Ms. Stetson's explanation, he now understood the comment to direct the jurisdiction to consider the probability and likelihood—whether very likely or not very likely—of a site being developed exclusively with nonresidential uses, and that that accounting is incorporated in the jurisdiction's calculation of projected housing unit count.

Commissioner Cesarin said that, with 450 respondents, he believed that the Maptionnaire survey was statistically valid with a lower margin of error than the Balancing Act simulation, though he also acknowledged that location of residence and number of questions answered was not provided for that survey. Referencing the responses to that survey, he stated that the majority of residents were concerned about housing in the City and objected to housing on City-owned sites in the Town Center. He did not think that the Town Center sites could be included in the sites inventory. He believed a combination of mixed use, service, entertainment and other Town Center attractions was more consistent with preferences he saw in the Maptionnaire survey and had heard from people around town.

Director Ayers reiterated Ms. Stetson's comments regarding the selection of sites in the Town Center, and that the process did not include every property in downtown, but rather only those for which there was a reasonable likelihood of mixed-use development. Director Ayers also did not believe it was the intent of HCD to mandate that commercial and mixed-use sites be excluded from housing inventories, as doing so would conflict with other State legislation, such as recent Senate Bill 6 and Assembly Bill 2011, that supported residential development on commercially-zoned sites. Speaking to Commissioner Cesarin's comments regarding the surveys, Director Ayers said that the Maptionnaire and Balancing Act community engagement tools were voluntary surveys and not scientific surveys. She noted that the Balancing Act survey had over 380 hits to its site, though only 44 respondents successfully completed a housing plan with at least 570 housing units distributed among the various sites provided in the simulation. She believed that the difference between the number of site hits and the number of completed plans spoke to the challenge of mapping all of the required housing. She added that she wanted to be cognizant of and not dismiss the comments and time and effort that those 44 respondents spent to meet the challenge of developing a housing plan, particularly when the survey was voluntary to begin with.

Commissioner Cesarin did not think the City could use the results of the Balancing Act simulation as basis for any decisions because it was not a scientific survey. If he were to choose one of the two community engagement tools, he suggested that the Maptionnaire survey had validity that the Balancing Act survey did not. While he did not suggest dismissing the qualitative comments from the Balancing Act simulation, he would not use it as an argument in favor or against anything and would dismiss any data derived from it as invalid. He believed that HCD would not allow the City to use certain quantitative data from an unreliable source to inform its Housing Element.

Commissioner Shulman said that she had spoken to the staff member at HCD who had reviewed Clayton's draft Housing Element. Commissioner Shulman said that, even though the surveys were not scientific, HCD staff

considered them to be relevant because they represented the views of some of the people, and that HCD wanted to see those comments. She said it is important that the information from the surveys is included in the record, and that HCD was asking for that information from all of the jurisdictions. She said HCD was not asking for reliability of data; rather, she understood that HCD would want to see the process of what was done, what the outcomes were, and how the City got there.

Ms. Stetson said that the surveys that the City had conducted were for the Planning Commission and City Council to consider in the process of developing and deciding on the Housing Element. She said that HCD was not going to look at the level of detail in the surveys nor to critique the surveys' statistical validity. Rather, HCD wanted to know that the City had done a good job of engaging the public, that the City was showing adequate sites to meet its regional housing needs allocation, and that those sites could be justified as housing opportunities based on trends and other criteria that did not necessarily include public sentiment.

Vice Chair Enea asked if ADUs could be built for family members without complying with income restrictions. Director Ayers said yes, they could. Some ADUs that had been recently approved in the City were proposed by developers to meet their projects' inclusionary requirements, but some ADUs that the City had permitted were built by homeowners for family members or for supplemental rental income. The City would not require that those units built by homeowners be deed-restricted for income, though those units could be affordable-by-design due to their small size or because they were provided as living space for extended family.

Commissioner Miller suggested that HCD's direction to reduce the assumed number of ADUs had a minor impact to the City's housing projection but was in conflict with recent State laws in support of ADUs, as well as with the City's current effort to develop a pre-approved ADU plan program. Commissioner Cesarin added that the surveys indicated strong community support for ADUs.

Commissioner Miller asked staff if the City should consider minimum residential densities to ensure projected housing targets are met. Director Ayers advised that yes, the zoning regulations could have minimum density requirements. Speaking to the question of ADUs, Director Ayes advised that the draft Housing Element's projection of three ADUs per year was less than the four per year that was included in the HCD Review Draft Housing Element, but staff believed it to be a reasonable balance between the cost to build an ADU, the City's efforts to foster ADU construction, the recent pace of ADU construction in the City and the upward trend in ADU permits.

Referencing the letter from the Greenbelt Alliance, Commissioner Cesarin asked if resident opposition was considered to be added as a constraint to

housing. He also asked if the City was planning a comprehensive outreach program to educate the public on the benefits of housing, the benefits of affordable housing, and the benefits to residents of the revised zoning regulations. Director Ayers said that an educational program not been proposed as a program in the Housing Element, though the Commission could take that on as a goal for itself. Speaking to resident opposition, she did not recall that being identified in the draft Housing Element as a constraint, though the City's historically and predominantly single-family residential development pattern was discussed in the draft Housing Element chapter regarding affirmatively furthering fair housing.

Commissioner Cesarin asked if the Clayton Community Church property could be redesignated for Institutional Density and included as a potential housing site. Director Ayers said that, at the time that the City was developing the sites inventory, the Clayton Community Church site had been recently entitled, so the site's development for housing was not considered to be reasonable. Though the site was not included in the draft Housing Element inventory nor analyzed in the draft EIR for the Housing Element update, if the Church's plans changed, the Church could initiate a rezoning on their own behalf to allow residential use on all or part of their property.

9. PUBLIC HEARINGS

A. Request for Extension of Land Use Approvals for the Clayton Community Church Project Use Permit (UP-05-16), Site Plan Review Permit (SPR-06-16) and Tree Removal Permit (TRP-38-16).

This is a request by the Clayton Community Church (Applicant) for a one-year extension to exercise the development approvals granted by the Clayton Planning Commission on April 27, 2021 for the Clayton Community Church Project. The Project encompasses removal of existing trees, installation of new landscaping and surface parking facilities, and construction of a new, approximately 13,998 square foot Church building for religious assembly purposes on 4.4 acres located at 1027 Pine Hollow Court, Clayton (Assessor's Parcel Number 119-050-036). At the meeting of April 27, 2021, the Planning Commission adopted the Clayton Community Church Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act (CEQA), and no additional findings are necessary for CEQA compliance for the current request for extension of entitlements of the approved Project.

Director Ayers introduced the item and summarized the staff report. There were no questions from Commissioners. Vice Chair Enea opened the public hearing on the item.

Pastor Shawn Robinson came forward to speak on behalf of the Applicant. He explained that the COVID-19 pandemic had caused a doubling in the cost of the project, and the Church was considering other options to reduce costs, including returning to the Planning Commission with a decreased footprint for the building. The Church was not ready to give up on the project yet, but they needed more time to plan their next steps.

In response to Commissioner Cesarin, Pastor Robinson said that the Church had not given up on raising the funds for their initially-approved project, though the cost of the project had increased from $5 million to almost $9 million, so the Church was considering reducing the size of the project to make it more affordable. The Church had also been considering, but had not confirmed, alternative locations that did not require the road widening and utility installations that were necessary for the approved project site. He anticipated having a firm plan and direction by Spring 2023. Responding to Commissioner Cesarin's question during the earlier item, Pastor Robinson said that if another site became available, the Church would consider making the approved project site available for housing.

In response to Commissioner Miller, Pastor Robinson confirmed that the Church would like to preserve their option to do what was originally approved to see if there was a way it could happen.

Commissioner Shulman wished the Church the best in raising the funds, as it was clear to her that the Church wanted to preserve what they had entitled.

There being no other meeting attendees wishing to speak on the item, the public hearing was closed. Vice Chair Enea invited a motion on the item.

In response to Commissioner Miller, Director Ayers advised that the Clayton Municipal Code authorized the Planning Commission to extend the duration of approved entitlements, upon showing of good cause. Staff believed that good cause had been shown, and staff's recommendation had been explained in the staff report and draft findings in the proposed Resolution attached to the staff report. If the Commission concurred with the recommendation of staff, the Commission could adopt the proposed resolution and its draft findings as the basis for their decision. The Commission could expand upon those findings but, if they did not support the extension request, they would need to make the finding explaining why good cause had not been shown.

Commissioner Shulman moved to adopt the proposed Resolution approving the extension request for the entitlements for the Clayton Community Church, as requested. Commissioner Miller seconded the motion. The motion passed by vote of 4 to 0.

10. COMMUNICATIONS

There were no communications.

11. ADJOURNMENT

The meeting was adjourned at 8:17 p.m. to the next regular meeting of the Planning Commission on December 13, 2022.

Respectfully submitted:

_____
Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

_____
Daniel Richardson, Chair

AGENDA REPORT

To: **Honorable Chair and Planning Commissioners**

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

Date: **December 13, 2022**

Subject: **Agenda Item 9.A**
Recommendation on the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element Amendments, and Consideration of the Final Environmental Impact Report Prepared for the Project

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SUMMARY

The purpose of the public hearing is to consider the update to the City of Clayton General Plan Housing Element for the 6th housing cycle (2023-2031). The updated Housing Element includes programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and identifies how the City of Clayton (City) plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units. In addition to update of the Housing Element, associated amendments to land use descriptions, goals and policies in the Land Use Element of the General Plan are proposed to increase residential densities to support greater variety in housing types in the City. Amendments to the land use designations on the General Plan Land Use Diagram are also proposed for the following properties:

- 1578 Kirker Pass Road, Assessor's Parcel No. (APN) 118-031-054, proposed amendment from *Kirker Corridor Commercial* to *Institutional Density*
- Diablo Creek Place, APN 118-230-002, proposed amendment from *Public Park/Open Space* to *Single-Family Low Density Residential*
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- 1970 Eagle Peak Avenue, portion of APN 118-370-040, proposed amendment from *Rural Estate* to *Multifamily Medium Density Residential*

Following the public hearing, the Planning Commission will be asked to make a recommendation to the City Council on the proposed update to the Housing Element and the associated Land Use Element and Land Use Map amendments. If recommended by the Planning Commission and approved by the City Council, the updated Housing Element and the amended Land Use Element land use descriptions, goals and policies would apply to properties throughout the City.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) has been prepared to analyze the potential impacts on the environment that could occur with adoption of the Housing Element update and related land use amendments. The Planning Commission must consider the information in the Final EIR prior to making its recommendation to the City Council regarding certification of the EIR and adoption of the proposed General Plan amendments.

RECOMMENDATION

That the Commission open the public hearing and accept written and spoken testimony, close the public hearing and, after deliberation, adopt the attached Resolution (Attachment 1) making findings and recommending that the City Council certify the Final EIR for the Housing Element Update and related General Plan and Zoning Amendments and:

1. Amend the Housing Element of the General Plan for the 6th Housing Cycle, as shown in the attached Exhibit A to the proposed Resolution, and give authority to the Community Development Director to make nonsubstantive revisions directed by the State Department of Housing and Community Development in their review of the adopted Housing Element Update, such as correction of typographical and grammatical errors and revisions to data for internal consistency of tables and text that do not change programs, policies or the inventory of sites; and

2. Amend the Land Use Element and Land Use Diagram of the General Plan for internal consistency with the Housing Element Update, as shown in the attached Exhibits B and C to the proposed Resolution.

BACKGROUND

Legislative Context: In accordance with Government Code section 65583, every California city and county must have a general plan, and every general plan must address eight mandatory elements, one of which is housing. The housing element of a general plan must:

> …consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites

for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provisions for the existing and projected needs of all economic segments of the community. (Government Code section 65583)

The housing element of the general plan must have, at a minimum, all of the components listed in Government Code section 65583, which are summarized below.

a) An assessment of existing and projected needs for housing households of all income levels, including an inventory of the resources and the regulatory and financial constraints to meeting those needs; an inventory of lands suitable for residential development and the jurisdiction's regional housing needs allocation (RHNA); an evaluation of existing household characteristics and housing stock condition; identification of locations for emergency shelter; and analysis of affordable units at-risk of conversion to market-rate.

b) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

c) A program of actions that the jurisdiction commits to implementing during the eight-year housing cycle to achieve the goals and policies of the housing element. Such actions must include, but are not limited to, actions to rezone properties as needed to achieve densities that would accommodate the RHNA; removal of governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for people of all income levels and abilities; and incentives for construction affordable accessory dwelling units. The housing element must also commit to affirmatively furthering fair housing by identifying and correcting disparities in access to housing for all persons, "regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act…and any other state and federal fair housing and planning law."

The housing element must be adopted every five to eight years by the legislative body of the city or county, following a process of community input and public hearings. The housing element is also the only mandatory general plan element that must also be submitted to the State Department of Housing and Community Development (HCD), who will review and certify the housing element upon finding that it is compliant with State law. Noncompliance with housing element legislation of the State could result in a jurisdiction's loss of eligibility for certain grant funds, fines and financial penalties, or loss of decision-making authority for certain housing development and housing planning projects.

Community Engagement Efforts and Agency Review of the City of Clayton Housing Element Update: Since Summer 2021, the City has been working on an update to the Clayton General Plan Housing Element for the 6th housing cycle (2023-2031). Since kickoff of the Housing Element Update process, the City has sought community feedback through individual meetings with City Council members and Planning Commissioners, as well as, during a joint Planning Commission/City Council meeting on September 28, 2021 and a City Council meeting on January 4, 2022. On February 22 and March 8, 2022, staff held workshops with the Planning Commission to provide additional legislative context for

the Housing Element Update, and to receive comments on the scope of the environmental impact analysis to be prepared for the Housing Element and related land use and zoning amendments. Videos, meeting minutes, slide decks and staff reports for the Planning Commission and City Council meetings are on the Housing Element webpage, at https://claytonca.gov/community-development/housing/housing-element/ .

A virtual community meeting was held on October 20, 2021, and two online engagement opportunities were provided in November/December 2021 (Maptionnaire) and March/April 2022 (Balancing Act) to give interested community members another platform to provide input on housing preferences in the City. To publicize the Balancing Act simulation and raise awareness around the Housing Element update process, door hangers announcing the engagement opportunity were delivered to all homes in Clayton. Summaries of the feedback received from the community workshop and two online engagement tools, as well as written comments received from interested parties, are provided in the Attachment 5 to this staff report.

City staff made publicly available between the dates of May 20 and June 20, 2022, the Public Review Draft Housing Element for the 6th Cycle. The 30-day public review period met the requirements of California Government Code section 65585 that requires the City to give the public an opportunity to comment on the draft Housing Element before the City submits the document to HCD for review. On May 24 and June 14, 2022, the Planning Commission held comment sessions for the purposes of receiving community input on the Public Review Draft, and on May 31, 2022, the City Council also held a comment session for the same purpose. On June 23, 2022, the City Council directed staff to make additional changes to the draft and to submit the draft document to HCD. On July 14, 2022, staff submitted a digital copy of the HCD Review Draft Housing Element for the 6th Cycle to HCD, followed by a print copy delivered to HCD offices on July 19, 2022.

HCD completed their review of Clayton's HCD Review Draft Housing Element and sent comments to City staff on October 12, 2022. HCD's comment letter is attached to this staff report as Attachment 4; in that attachment, annotations are provided to indicate how MIG, the City's Housing Element consultant, and City staff have addressed the HCD staff member's comment through revisions to the text and/or tables of the draft Housing Element. The Planning Commission reviewed HCD's comment letter and discussed the revisions made to the draft Housing Element, at a study session held during their regular meeting of November 22, 2022.

Other information about the Housing Element and the Housing Element Update process, including the current and previous drafts, can be found on the City's website at https://claytonca.gov/community-development/housing/housing-element/.

PROJECT DESCRIPTION

The updated Housing Element for the years 2023-2031 will establish programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and will identify how the City plans to accommodate its RHNA of at least 570 units, as assigned by the Association of Bay Area Governments, through 2031.

The current draft of the Housing Element, attached to this staff report as Exhibit A to the proposed Resolution (Attachment 1), provides a plan for Clayton to zone sufficient land for a projected 796 new housing units of various types and densities throughout the City. The current draft Housing Element contains programs that would commit the City to implement efforts to not just increase but to diversify its housing stock, including policies in support of accessory dwelling units, upward shifts in the currently adopted density ranges of the General Plan and Zoning Code to foster multifamily housing options, and expanded flexibility in development regulations in multifamily residential zoning districts and sites owned by religious institutions. The document also includes programs that would commit the City to reviewing and updating its codified permitting processes to reduce the length of the development entitlement process for new housing units. Additional programs and policies identified in the draft Housing Element are proposed in support of ongoing code enforcement and housing accessibility programs in the City, as well as, environmental sustainability in new construction.

Land Use Element Amendments: The City also proposes updates to the Land Use Element of the General Plan to correspond to the Housing Element's housing plan, and to maintain the internal consistency among the elements of the General Plan. The amendments proposed to be made to the General Plan Land Use Element are described in proposed Program D-1 of the draft Housing Element, and are restated below:

Program D-1: General Plan Amendments

The City will amend the General Plan Land Use Element to clarify the density ranges for multi-family housing. Parallel amendments will be made to the Zoning Code. These revisions will increase zoning capacity for multi-family housing and thereby encourage development of housing for people of all income levels and desired housing choices. The amendments will be as follows:

- *Amend Objective 1 and related policies to reflect higher allowed densities along major corridors.*
- *Amend the Multifamily Medium Density land use designation to describe a broader range of desired housing types and establish a density range of 10.1 to 20 units per acre.*
- *Amend the Multifamily High Density land use designation to describe a broader range of desired housing types and establish a density range of 20.1 to 30.0 units per acre.*
- *Amend the Institutional land use designation to allow for residential development within a density range of 10.1 to 30 units per acre, and at a minimum density of 20 units per acre on sites where religious assembly uses already exist.*
- *Amend the allowed uses in the Town Center designation to accommodate ground-floor residential under prescribed circumstances, such as along side streets or behind street-facing commercial uses on Center and Main Streets and to allow for densities of up to 30 units per acre. Revisit the lot coverage standards to provide conditions that can accommodate higher densities.*
- *Amend the General Plan land use map to identify housing sites inventory properties for affordable housing as Multifamily High Density.*
- *Amend the General Plan to include policy language that allows for 100 percent affordable housing developments at 40 units per acre.*

- *Amend the Accessory Dwelling Unit (ADU) provisions to comply with current state law.*
- *Adopt a new policy in the Land Use Element requiring that development be built in accordance with minimum densities of the land use designation in which they are located.*

These changes have been drafted into a proposed revised Land Use Element chapter of the General Plan, attached as Exhibit B to the proposed Resolution. The exhibit shows the General Plan text amendments using track changes from the adopted Land Use Element. In addition to text, the Land Use Diagram appended by reference to the Land Use Element is proposed to be amended to include land use designation changes to some of the sites identified in the draft Housing Element sites inventory. The sites proposed for amendment specifically include:

- 1578 Kirker Pass Road, APN 118-031-054, proposed amendment from *Kirker Corridor Commercial* to *Institutional Density*
- Diablo Creek Place, APN 118-230-002, proposed amendment from *Public Park/Open Space* to *Single-Family Low Density Residential*
- 6955 Marsh Creek Road, APN 119-080-009, proposed amendment from *Public Park/Open Space* and *Single-Family Low Density Residential* to *Multifamily Low Density Residential*
- Clayton Road at Peacock Creek Drive, APN 118-370-073, proposed amendment from *Private Open Space* to *Multifamily Medium Density Residential*
- Oakhurst Golf Course Driving Range, portions of APNs 118-370-017, 118-370-086, 118-370-087 and 118-370-088, proposed amendment from *Private Open Space* to *Multifamily High Density Residential*

Zoning Amendments: Following adoption of the General Plan amendments, subsequent Zoning Code amendments will also be necessary to implement the Housing and Land Use Elements, as amended. Those amendments will be the subject of future public hearings before the Planning Commission and City Council planned for Spring 2023.

ANALYSIS

Required Findings: California Government Code section 65000 *et seq.* requires each California city or county to adopt a comprehensive, integrated, internally consistent and long-term general plan for "the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to is planning." The general plan must include a land use element, a circulation element, a housing element, a conservation element, an open space element, a noise element, a safety element and an environmental justice element, and it may include other optional elements at the discretion of the local jurisdiction. In accordance with Government Code section 65358, the local legislative body (city council or board of supervisors), on recommendation from the jurisdiction's planning commission, may amend all or part of the local agency's general plan upon finding that the amendment is in the public interest.

Staff believes that the Planning Commission can make the findings necessary to recommend that the City Council make findings and adopt the proposed amendments to the Housing and Land Use Elements of the Clayton General Plan. As detailed in the

proposed Resolution (Attachment 1 to this staff report), the draft Housing Element incorporates all of the required components listed in State law and summarized above, including an assessment of existing and projected needs for housing households of all income levels; an inventory of the resources, regulatory and financial constraints to meeting housing needs, and lands suitable for the City's RHNA; an evaluation of existing household characteristics and housing stock condition; identification of locations for emergency shelter; analysis of affordable units at-risk of conversion to market-rate; a statement of housing goals, quantified objectives, and policies; and a program of actions that the City will commit to implementing during the 6th housing cycle. The specific sections of the draft Housing Element in which each of the mandated component is included, is listed in each respective statement in the proposed Resolution describing the statutory requirement of State law.

Staff believes that the proposed amendment to the Housing Element is in the public interest. The Housing Element amendment identifies constraints to the construction and improvement of housing in the City, and it identifies programs and policies to remove those constraints. Implementation of these policies and programs would streamline existing zoning approval processes, reducing the number of discretionary decisions that are currently required while maintaining objective standards that would help to preserve aesthetic characteristics of the City. Implementation of these policies and programs would also reduce costs of planning, permitting and construction for new home developers, as well as, for current homeowners who want to invest in improvement of their properties through expansions of their existing home or construction of accessory and second dwelling units. (Goal 1 and Goal 4 and attendant programs and policies)

Additionally, the goals, policies and programs in the Housing Element amendment would foster a broader range of housing densities than City land use policy currently provides, allowing opportunities for increased diversity in housing types (single-family and multifamily) and tenures (rental and ownership). Greater diversity in the City's housing stock would facilitate greater equity and fair access to housing choices for future residents, while also providing smaller unit sizes that are more affordable, more energy efficient and more accessible for recent graduates, young adult children and aging parents who currently live in Clayton and want to remain in the community. Expanded housing choices also facilitate more opportunities for special needs households as well as employees of the local service-based and public sector workforce to reside in the community, thereby reducing workers' and their customers' transportation costs, traffic congestion and automobile pollution emissions generated by vehicle trips to work from outside the City. (Goals 2, 3, 5 and 6 and attendant programs and policies)

Staff believes that the amendments to the City of Clayton General Plan Land Use Element, inclusive of the amendments to land use designations of certain sites on the Land Use Diagram, are in the public interest. The amendments to the Land Use Element ensure internal consistency with the City's General Plan and constitute the first step in implementation of the overall objectives of the Housing Element, as recommended, to increase the diversity in the housing stock and expand opportunities for housing for existing and future residents.

Environmental Determination: In accordance with CEQA and the State CEQA Guidelines, a Final EIR (State Clearinghouse No. 2022030086) has been prepared to analyze the potential impacts on the environment that could occur with adoption of the Housing Element update and related land use amendments. The Planning Commission must consider the Final EIR before making a recommendation to the City Council regarding certification of the EIR and adoption of the proposed General Plan amendments.

CONCLUSION

Staff recommends that the Planning Commission adopt the attached proposed Resolution recommending that the City Council certify the Final EIR prepared for the Housing Element and related Land Use Element and Zoning Code amendments, and adopt the draft Housing Element and draft Land Use Element and Land Use Diagram amendments as shown on Exhibits A, B and C to the proposed Resolution.

ATTACHMENTS

1. Resolution
    - Exhibit A to Resolution: Draft Housing Element, December 2022
    - Exhibit B to Resolution: Draft Land Use Element Amendments (Text)
    - Exhibit C to Resolution: Draft Land Use Diagram Amendments
2. Final EIR
3. Draft EIR and Draft EIR Appendices (weblinks provided)
4. HCD Comment Letter with Annotated MIG/City Staff Comments
5. Public Comments Received to Date (including Balancing Act Program and Maptionnaire Survey results summaries)

Attachment 1

Proposed Resolution

Exhibit A
Exhibit B
Exhibit C

CITY OF CLAYTON
PLANNING COMMISSION
PROPOSED
RESOLUTION NO. XX-2022

A RESOLUTION OF THE CLAYTON PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND THE HOUSING ELEMENT OF THE CLAYTON GENERAL PLAN FOR THE SIXTH HOUSING CYCLE (2023-2031) AND ADOPT CORRESPONDING AMENDMENTS TO THE LAND USE ELEMENT TEXT AND LAND USE DIAGRAM OF THE CLAYTON GENERAL PLAN, AND RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT

WHEREAS, pursuant to California Government Code sections 65300 and 65300.5, each planning agency of each California city or county is required to adopt a comprehensive, integrated, internally consistent and long-term general plan for "the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to is planning;" and

WHEREAS, pursuant to Government Code sections 65302 and 65303, the general plan must include a land use element, a circulation element, a housing element, a conservation element, an open space element, a noise element, a safety element and an environmental justice element, and it may include any other elements that, in the judgment of the city or county's legislative body, relate to the physical development of the jurisdiction; and

WHEREAS, in accordance with Government Code section 65358, the City Council of the City of Clayton (City), on recommendation from the City's Planning Commission, may amend all or part of the City's General Plan if the City Council deems the amendment to be in the public interest; and

WHEREAS, on March 22, 2021, and pursuant to Government Code section 65588(e)(3), the City Council identified the Clayton General Plan Housing Element update as one of its goals for the 2021/2022 fiscal year, and subsequently, on May 18, 2021, the City Council awarded a professional services agreement to a consulting firm to work with City staff to prepare the amendment of the Clayton General Plan Housing Element for the 6th housing cycle encompassing years 2023-2031; and

WHEREAS, following one virtual community workshop, a voluntary online preferences survey, a voluntary online housing planning simulation, various stakeholder interviews, and three public study sessions held during Planning Commission or City Council meetings between May 2021 and March 2022, the City released the *Public Review Draft Housing Element for the 6th Housing Cycle (May 2022)* for public comment between the dates of May 20 and June 20, 2022 (Government Code section 65585), and

during the public comment period, held two additional study sessions with the Planning Commission and two additional study sessions with the City Council to receive public comment on the draft document; and

WHEREAS, the City addressed comments received from the community and decision-makers during the 30-day review period on the *Public Review Draft Housing Element for the 6th Housing Cycle (May 2022)* as revisions to the document that were incorporated into the subsequently produced *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)*; and

WHEREAS, in accordance with Government Code section 65585, the City submitted the *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)* to the State Department of Housing and Community Development (HCD) electronically on July 14, 2022, followed by a print copy delivered to HCD on July 19, 2022; and

WHEREAS, on October 12, 2022, staff of the HCD issued a letter documenting their review of and comments on the *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)* and finding that although "[T]he draft element addresses many statutory requirements; … revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code);" and

WHEREAS, the City revised the draft Housing Element to address the comments provided by HCD in their October 12, 2022, review letter and produced an *Adoption Draft Housing Element for the 6th Housing Cycle (December 2022)*; and

WHEREAS, the *Adoption Draft Housing Element for the 6th Housing Cycle (December 2022)* meets the requirements of State law contained in Government Code title 7, division 1, chapter 3, article 10.6 (Housing Elements) and identifies in proposed Program D-2 corresponding amendments to the Land Use Element of the City's General Plan to ensure internal consistency among the goals, policies and objectives of the elements of the General Plan; and

WHEREAS, in accordance with section 21151 of the California Environmental Quality Act (CEQA; Public Resources Code section 21000 *et seq.*), a Draft Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) was prepared by a consultant under contract to the City of Clayton, to analyze the potential impacts to the environment that could occur as a result of adoption of amendments to the Housing and Land Use Elements of the City of Clayton General Plan; and

WHEREAS, in accordance with sections 15105(a), 15206 and 15166 of the State CEQA Guidelines (California Code of Regulations section 15000 *et seq.*), copies of the Draft EIR for the Housing and Land Use Element amendments were circulated to State agencies via the State Clearinghouse, and were made available online on the City's website and in hard copy at Clayton City Hall and the Clayton Community Library, for an agency and public comment period that started on August 19, 2022 and that ended on October 3, 2022. Opportunity for the public to give spoken comments on the Draft EIR was provided during the regular Planning Commission meeting held on September 13,

2022. On or prior to August 19, 2022, notice of availability of the Draft EIR and of the public comment meeting was provided in accordance with State CEQA Guidelines section 15087 and included filing of the notice with the County Clerk; mailing by first class or electronic mail to interested parties and other public agencies and utilities providers; posting on three City notice boards at City Hall, the Clayton Community Library, and in the Clayton Town Center; publishing in the East Bay Times; and posting to the City website; and

WHEREAS, written responses to comments received during the public review period on the Draft EIR have been incorporated into a Final EIR, which consists of the Draft EIR, public and agency comments received on the Draft EIR, responses to those comments, and required clarifications and changes to the text of the Draft EIR (State CEQA Guidelines sections 15088 and 15132); and

WHEREAS, the Clayton City Council is the decision-making body with respect to amendments to the General Plan and must certify as to the adequacy of the Final EIR prior to making a decision to adopt the proposed General Plan amendments (CEQA Guidelines section 15090 and 15356); however, the Planning Commission, in its capacity as an advisory body to the City Council, must consider the information in the Final EIR prior to making a recommendation on the proposed General Plan amendments; and

WHEREAS, Government Code sections 65351 and 65352 obligate the local planning agency to provide opportunities for citizens, Native American tribes, other public agencies, public utility companies, and civic, education and other community groups to be involved in amendments to the jurisdiction's general plan, through public hearings and any other means the planning agency deems appropriate, and to that end, the City conducted four discussion sessions at Clayton City Council meetings, four discission sessions at Clayton Planning Commission meetings, a virtual community workshop, two online surveys to solicit input on community housing preferences, various individual interviews with stakeholders, virtual outreach through the City website and online community forums, and distributed informational doorhangers to each residence in the City to invite community input into the Housing Element update process; and

WHEREAS, in accordance with Government Code section 65352.3, on April 20, 2022, the City sent to seven local Native American tribes, invitations to consult on the proposed Housing Element update, and subsequently received one response from a tribal representative of the Confederated Villages of Lisjan Nation, who requested copies of the documentation for the Housing Element update. In response, the City directed the tribal representatives to the City webpage where the draft Housing Element and its related documents had been posted. The City did not receive any other or subsequent requests for information or consultation within the 90 days following the April 20, 2022 invitation to consult; and

WHEREAS, Clayton Municipal Code (CMC) chapter 2.12 establishes a Planning Commission for the City of Clayton, and Government Code sections 65353 and 65354 authorize the Planning Commission to make recommendations to the City Council on proposed amendments to the City's General Plan, after the Commission conducts at least one public hearing on the matter; and

WHEREAS, in accordance with Government Code sections 65353, 65090 and 65091, on or prior to December 3, 2022, notice of the Clayton Planning Commission public hearing to consider the amendment to the General Plan Housing Element for the 6th Housing Cycle and corresponding amendments to the General Plan Land Use Element and Land Use Diagram was published as a one-eighth page ad in the East Bay Times; was posted to the notice boards at Clayton City Hall and Clayton Community Library, and to Ohm's board in the Town Center; and was virtually posted to the Housing Element webpage accessible via the main City homepage at www.claytonca.gov. Notice of the public hearing was also mailed electronically or via first class mail to interested parties who had requested such notice and to owners of property that were the subject of proposed General Plan land use map amendments, as well as, to other public agencies, special districts, public utility companies, local school districts, responsible agencies as defined CEQA, and local Native American tribes on the contact list maintained by the Native American Heritage Commission; and

WHEREAS, on December 13, 2022, the Clayton Planning Commission held a public hearing on the amendment to the General Plan Housing Element for the 6th Housing Cycle and corresponding amendments to the General Plan Land Use Element and Land Use Diagram and received and considered testimony and evidence, both spoken and written.

NOW, THEREFORE, the Planning Commission hereby determines the foregoing recitals to be true and correct and makes the following findings:

A. The Final EIR prepared for the Housing Element Update and related Land Use Element amendments (State Clearinghouse No. 2022030086) was prepared in accordance with the requirements of CEQA, and the Planning Commission has considered the information contained therein.

B. The amendment to the City of Clayton Housing Element for the 6th Housing Cycle is in the public interest.

    1. The Housing Element amendment identifies constraints to the construction and improvement of housing in the City, and it identifies programs and policies to remove those constraints. Implementation of these policies and programs would streamline existing zoning approval processes, reducing the number of discretionary decisions that are currently required while maintaining objective standards that would help to preserve aesthetic characteristics of the City. Implementation of these policies and programs would also reduce costs of planning, permitting and construction for new home developers as well as for current homeowners who want to invest in improvement of their properties through expansions of their existing home or construction of accessory and second dwelling units. (Goal 1 and Goal 4 and attendant programs and policies)

2. The goals, policies and programs in the Housing Element amendment would foster a broader range of housing densities than City land use policy currently provides, allowing opportunities for increased diversity in housing types (single-family and multifamily) and tenures (rental and ownership). Greater diversity in the City's housing stock would facilitate greater equity and fair access to housing choices for future residents, while also providing smaller unit sizes that are more affordable, more energy efficient and more accessible for recent graduates, young adult children and aging parents who currently live in Clayton and want to remain in the community. Expanded housing choices also facilitate more opportunities for special needs households as well as employees of the local service-based and public sector workforce to reside in the community, thereby reducing workers' and their customers' transportation costs, traffic congestion and automobile pollution emissions generated by vehicle trips to work from outside the City. (Goals 2, 3, 5 and 6 and attendant programs and policies)

C. The amendment to the City of Clayton Housing Element for the 6th Housing Cycle is compliant with State law and contains all statutorily-required components as prescribed in Government Code section 65583.

1. Chapter 3 (Housing Needs Assessment), Chapter 5 (Housing Resources) and Chapter 4 (Constraints Analysis) of the Housing Element amendment contain an assessment of (respectively) housing needs, housing resources and constraints to meeting the City's projected housing needs. Population and employment trends in the City, description of the City's existing housing stock, and assessment of existing household characteristics (including ability to pay for housing) are identified in Chapter 3. This analysis in Chapter 3 precedes discussion of the City's projected housing need for all income levels as encompassed within its regional housing needs allocation (RHNA). (Government Code section 65583, subdivision (a)(1) and (a)(2))

2. Chapter 5 (Housing Resources) contains an inventory of land suitable and with potential for residential development that is vacant and zoned for residences; vacant and zoned for nonresidential use with residential development; and residentially-zoned sites capable of being redeveloped with higher residential densities. Table 5-12 in Chapter 5 lists each potential housing opportunity site, each site's maximum and realistic development potential, potential infrastructure constraints and existing development, and a brief explanation of rationale, such as land value or property owner interest, for including the site in the inventory. On page 5-15 of the *Adoption Draft Housing Element Update for the 6th Housing Cycle (December 2022),* the relationship between the sites inventory and affirmatively furthering fair housing is described as positive, due to the distribution of all of the sites in high resource areas of the City, as the entirety of the City is considered to be high resource. (Government Code section 65583, subdivision (a)(3), and section 65583.2)

3. The selection of sites included in the inventory of 22 potential housing opportunities includes 14 sites that are currently developed with religious institutions, parking lots, private recreation (golf course driving range), low-intensity commercial buildings, or existing very low-density residential land use. Over 50 percent of the City's RHNA of low and very-low income units is identified on nonvacant sites. The analysis in Chapter 5 of the draft Housing Element includes discussion of the viability of these sites for redevelopment as housing, including building to land value ratios of 0.56 or lower; recent approval of multifamily and single-family housing on similarly-sized and located properties in the City; and interest expressed by property owners in the redevelopment of portions of their properties for housing. The analysis in the draft Housing Element provides adequate justification that nonvacant sites could reasonably be redeveloped with housing during the 6th housing cycle, and the Planning Commission finds that the existing land uses on these non-vacant sites do not constitute an impediment to the addition of housing on the nonvacant sites or redevelopment of the nonvacant sites with housing during the period covered by the Housing Element Update. (Government Code section 65583.2(g)).

4. Chapter 4 (Constraints Analysis), page 4-7 of the *Adoption Draft Housing Element Update for the 6th Housing Cycle (December 2022)*, identifies that existing zoning regulations adopted in 2013 allow emergency shelters as a permitted use the PF (Public Facility) District, and describes the existing objective development and management standards applicable to this type of land use. (Government Code section 65583, subdivision (a)(4))

5. Chapter 4 (Constraints Analysis) includes an assessment of existing governmental constraints upon the maintenance, improvement, or development of housing for various physical abilities and for all income levels as projected in the City's RHNA. The text describes existing development regulations that are adopted in the City's Zoning Ordinance and two Specific Plans and that are applicable to various residential development types. Residential permitting processes, infrastructure needs, building and nuisance codes, and fees are also described. Where a regulation, process, standard, code requirement or fee is identified as constraining residential development, the text in Chapter 4 identifies the necessary code amendment or process improvement that would remove the constraint. Text in Chapter 2 (Housing Plan) formalizes the necessary code amendment or process improvement in a program in the Housing Element. (Government Code section 65583, subdivision (a)(6))

6. Chapter 4 (Constraints Analysis) also includes an assessment of nongovernmental constraints on the construction of housing, recognizing that while the City's ability to provide direct financial support for construction of affordable housing was drastically reduced after State legislation eliminating redevelopment agencies, the City can continue to offer other incentives, including density bonuses, priority permit processing, fee

waivers or deferrals and modifications to development standards to support construction of a variety of housing types. (Government Code section 65583, subdivision (a)(6))

7. Chapter 3 (Housing Needs Assessment) describes those members of the community with special housing needs, including persons with physical or developmental challenges, over 65 years in age, living in large households of five or more residents, employed as farmworkers, residing in female-headed households, or experiencing homelessness. Chapter 3 also describes energy conservation opportunities for residential development in the City (Government Code section 65583, subdivisions (a)(7) and (a)(8)).

8. Chapter 3 (Housing Needs Assessment) lists the current housing units in the City that are eligible for conversion from deed-restricted affordable to market rate during the 6th housing cycle, as well as potential options, including possible State and federal funding sources, for preservation or replacement of the affordable units that could convert to market rate. (Government Code section 65583, subdivision (a)(9))

9. Chapter 7 (Affirmatively Furthering Fair Housing) describes the fair housing issues in the City and region, and more specifically, historic patterns of segregation, racially or ethnically concentrated areas of affluence, demographic trends, and disparities in housing needs and housing opportunities, in Clayton and in comparison to proximate jurisdictions in central and eastern Contra Costa County as well as the County as a whole. With a basis in the analysis in Chapter 7, Chapter 2 (Housing Plan) lists all of the goals, policies and programs that describe the actions that the City commits to taking to affirmatively further fair housing for all persons regardless of household income level or any protected status; to ensure maintenance, preservation, improvement and development of housing in the City; to assist in development of housing opportunities for all income levels; to remove government and nongovernmental constraints to housing development; and to foster construction of accessory dwelling units (ADUs) under the City's developing pre-approved ADU plan program and other site-specific plan permit requests. Where a program has a specific and discreet timeline for performance (such as rezoning to accommodate the City's RHNA), the timeline is specified with the program, while programs (such as code enforcement or priority permit processing for applicable development applications) that are to be implemented as needed throughout the housing cycle are indicated as ongoing. A summary of the City's quantified objectives with respect to its RHNA is provided at the end of the chapter in Table 2-1. (Government Code section 65583, subdivisions (b) and (c))

D. The amendments to the City of Clayton General Plan Land Use Element and its Land Use Diagram are in the public interest. The amendments to the Land Use Element ensure internal consistency with the City's General Plan and constitute the first step in implementation of the overall objectives of the Housing Element,

as recommended, to increase the diversity in the housing stock and expand opportunities for housing for existing and future residents.

E. The record of proceedings for this matter is located at the City of Clayton, City Hall, 6000 Heritage Trail, Clayton, CA 94517. The custodian of records is the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends that the City Council certify the Final EIR for the Housing Element Update and related General Plan and Zoning Amendments and make findings and adopt a resolution:

1. Amending the Housing Element of the General Plan for the 6th Housing Cycle, as shown in the attached Exhibit A, and giving authority to the Community Development Director to make nonsubstantive revisions directed by HCD in their review of the adopted Housing Element Update, such as correction of typographical and grammatical errors and revisions to data for internal consistency of tables and text that do not change programs, policies or the inventory of sites.

2. Amending the Land Use Element and Land Use Diagram of the General Plan for internal consistency with the Housing Element Update, as shown in the attached Exhibit B and as described in the attached Exhibit C.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 13th day of December, 2022.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

_____
Dan Richardson
Chair

ATTEST:

_____
Dana Ayers
Community Development Director

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

2023-2031 HOUSING ELEMENT

ADOPTION DRAFT

DECEMBER 2022

Table of Contents

Chapter 1: Introduction

About Clayton 1-1

Regulatory Framework: 1-1

Scope and Content 1-2

Relationship to Other General Plan Elements 1-3

Acronyms 1-3

Public Participation Overview 1-4

Chapter 2: Housing Plan

Introduction 2-1

Framing the Challenging and Finding Solutions 2-1

Sites Inventory Summary 2-2

Goals and Policies 2-3

Programs 2-6

Summary of Quantified Objectives 2-19

Chapter 3: Housing Needs Assessment

Population and Employment Trends 3-1

Baseline Population and Population Growth 3-1

Household Characteristics 3-6

Housing Stock Characteristics 3-8

Special Housing Needs 3-10

Energy Conservation Opportunities 3-12

At-Risk Housing Analysis 3-13

Projected Housing Need (RHNA) 3-15

Chapter 4: Constraints Analysis

Introduction 4-1

Government Constraints 4-1

Construction and Housing Codes 4-19

Non-Governmental Constraints 4-26

Chapter 5: Housing Resources

Availability of Sites for Housing 5-1

Administrative and Financial Resources 5-16

Chapter 6: Housing Element Program Accomplishments

Introduction 6-1

Quantified Objectives 6-14

Chapter 7: Affirmatively Furthering Fair Housing

Introduction and Overview of AB 686 7-1

Analysis Requirements 7-1

Sources of Information 7-1

History of Housing in Clayton 7-2

Assessment of Fair Housing Issues 7-3

Integration and Segregation 7-10

Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) 7-31

Racially Concentrated Areas of Affluence (RCAAS) 7-34

Access to Opportunities 7-37

TCAC Opportunity Maps 7-37

Disproportionate Needs 7-57

Chapter 8: Community Engagement and Outreach

Public Participation.....8-1

LIST OF TABLES

Table 2-1: Summary of Quantified Objectives 2-16

Table 3-1: Population Growth Trends 3-1

Table 3-2: Age 3-2

Table 3-3: Race and Ethnicity 3-3

Table 3-4: Employment by Industry 3-4

Table 3-5: Principal Employers, 2021 3-5

Table 3-6: Household Characteristics by Tenure 3-5

Table 3-7: Housing Stock by Type - 2021 3-7

Table 3-8: Housing Stock Characteristics by Tenure 3-9

Table 3-9: Fair Market Rents in Contra Costa County 3-10

Table 3-10: Special Needs Groups 3-10

Table 3-11: Regional Homelessness Services 3-12

Table 3-12: Affordable Units at Risk of Conversion to Market Rate in Clayton 3-13

Table 3-13: Regional Housing Needs Allocation 2023-2031 3-15

Table 4-1: General Plan Residential Land Use Categories 4-2

Table 4-2: Town Center Specific Plan Regulations 4-2

Table 4-3: Residential Use Permit Requirements 4-4

Table 4-4: Second Unit Development Standards 4-5

Table 4-5: Residential Development Standards 4-11

Table 4-6: Residential Parking Requirements 4-11

Table 4-7: Typical Permit Processing Times 4-15

Table 4-8: Construction and Housing Codes 4-18

Table 4-9: Community Development Department Feed 4-20
Table 4-10: Clayton Development Fees 4-21
Table 4-11: Development Fees in Contra Costa County Cities 4-23
Table 4-12: Vacant Land Costs 4-24
Table 4-13: Construction Cost by Building Type – National Data 4-25
Table 5-1: Clayton 2023-2031 RHNA 5-2
Table 5-2: Approved Projects 5-3
Table 5-3: ADU Projections to Meet the RHNA 5-5
Table 5-4: of Projects with Build-out at 80% or Higher of Maximum Densities 5-6
Table 5-5: Vacant Residential Land Inventory 5-9
Table 5-6: Underutilized Residential Land Inventory 5-10
Table 5-7: Vacant Town Center Land Inventory 5-11
Table 5-8: Underutilized Town Center Land Inventory 5-11
Table 5-9: Underutilized Non-Residential Land Inventory 5-12
Table 5-10: Comparison of Credit, Sites, and RHNA 5-14
Table 6-1: 2015-2023 Housing Element Program Accomplishments 6-2
Table 6-2: 2015-2023 Housing Element Quantified Objectives 6-14
Table 7-1: Number of DFEH Housing Complaints in Contra Costa County (2020) 7-4
Table 7-2: Number FHEO Filed Cases by Protected Class in Costa County (2015-2020) 7-4
Table 7-3: Action(s) Taken/Services Provided 7-5
Table 7-4: Outcomes 7-6
Table 7-5: Racial/Ethnic Dissimilarity Trends (1990-2020) 7-11
Table 7-6: Racial Composition Contra Costa County and Clayton (2019) 7-12
Table 7-7: Populations of Persons with Disabilities – Contra Costa County and Clayton 7-15
Table 7-8: Households with Children in Contra Costa County and Incorporated Cities 7-18
Table 7-9: Contra Costa County and Clayton Households by Income Category and Tenure 7-23
Table 7-10: Domains and List of Indicators for Opportunity Maps 7-38
Table 7-11: Opportunity Indices by Race/Ethnicity – Contra Costa County 7-42

Table 7-12: Demographics of Households with Housing Problems in Contra Costa County 7-58
Table 7-13: Household Type and Size in Contra Costa County 7-58
Table 7-14: Households that Experience Cost Burden by Tenure in Contra Costa County and Clayton 7-60
Table 7-15: Overcrowded Households – Contra Costa County and Clayton 7-62
Table 7-16: Substandard Housing Conditions – Contra Costa County and Clayton 7-64
Table 7-17: Fair Housing Summary 7-66
Table 7-18: AFFH Meaningful Actions Matrix 7-68

LIST OF FIGURES

Figure 5-1: Housing Sites Inventory 5-8
Figure 5-2: TCAC Opportunity Areas – Composite Score – Clayton (2021) 5-16
Figure 7-1: Regional Racial Demographics (2021) 7-12
Figure 7-2: Racial Demographics of Clayton (2021) 7-13
Figure 7-3: Regional Populations of Persons with Disabilities by Tract (2019) 7-16
Figure 7-4: Percent of Population with a Disability – Clayton (2021) 7-17
Figure 7-5: Regional Percentage of Children in Married-Couple Households by Tracts (2019) 7-19
Figure 7-6: Percent of Children in Married-Couple Households – Clayton (2021) 7-20
Figure 7-7: Regional Percent of Children in Female Headed Households by Tract (2019) 7-21
Figure 7-8: Percent of Children in Female Headed Households – Clayton (2021) 7-22
Figure 7-9: Regional Concentrations of LMI Households by Tract (2015) 7-24
Figure 7-10: Population with Low to Moderate Income Levels – Clayton (2021) 7-25
Figure 7-11: Regional Housing HCV Concentration by Tract in Contra Costa County (2021) 7-27
Figure 7-12: Regional Median Gross Rent/Affordability Index by Tract (2021) 7-28
Figure 7-13: Housing Choice Vouchers – Clayton (2021) 7-30
Figure 7-14: Location Affordability Index – Clayton (2021) 7-31

Figure 7-15: Regional Racially and Ethnically Concentrated Areas of Poverty "R/ECAPs" (2021) 7-32
Figure 7-16: Expanded R/ECAPs in Contra Costa County 7-33
Figure 7-17: Regional Racially and Ethnically Concentrated Areas of Poverty "R/ECAPs" – Clayton (2021) 7-34
Figure 7-18: Regional Median Income by Block Group (2021) 7-35
Figure 7-19: Median Income – Clayton (2021) 7-36
Figure 7-20: Regional TCAC Composite Scores by Tract (2021) 7-39
Figure 7-21: TCAC Opportunity Areas – Composite Score – Clayton (2021) 7-40
Figure 7-22: Regional TCAC Education Scores (2021) 7-43
Figure 7-23: TCAC Opportunity Areas - Education Score – Clayton (2021) 7-44
Figure 7-24: California Public School Rankings (2021) 7-45
Figure 7-25: Regional Public Transit Access (2021) 7-47
Figure 7-26: Regional Jobs Proximity Index (2021) 7-49
Figure 7-27: Regional TCAC Opportunity Areas – Economic Score (2021) 7-50
Figure 7-28: Jobs Proximity Index – Clayton (2021) 7-51
Figure 7-29: TCAC Opportunity Area – Economic Score – Clayton (2021) 7-52
Figure 7-30: Regional TCAC Opportunity Areas – Environmental Score (2021) 7-53
Figure 7-31: Regional CalEnviroScreen 4.0 (2021) 7-54
Figure 7-32: CalEnviroScreen 4.0 – Clayton (2021) 7-55
Figure 7-33: Regional Healthy Places Index (2021) 7-56
Figure 7-34: Healthy Places Index -Clayton (2021) 7-57
Figure 7-35: Regional Overpayment by Renters (2021) 7-59
Figure 7-36: Overpayment by Renters (2021) 7-61
Figure 7-37: Regional Overcrowded Households by Tract (2015) 7-62
Figure 7-38: Concentration of Overcrowded Households – Clayton 7-63
Figure 7-39: Regional Sensitive Communities at Risk of Displacement by Tract (2021) 7-65
Figure 7-40: Sensitive Communities (UCB, Urban Displacement Project) – Clayton (2021) 7-66

1. Introduction

ABOUT CLAYTON

The City of Clayton, nestled against Mount Diablo in central Contra Costa County, remains a quiet, comfortable place to live amid the hubbub of the Bay Area—but with ready access to the urban centers in Concord, Richmond, Berkeley, and Oakland. Its quaint downtown provides small-town charm, and the surrounding hillsides offer expansive open spaces. Clayton is largely a bedroom community, with the City's earliest subdivision patterns reflecting building approaches of the 1960s, just prior to Clayton's incorporation in 1964 with approximately 600 residents. The more rapid period of development from 1980-2000, when Clayton added about 6,500 residents, continued the trend of providing homes in single-family subdivisions at prices affordable to middle-income households. Then and today, these neighborhoods included parks lively with community events, where neighbors gather to socialize, play, and enjoy art and food festivals.

As the smallest city in Contra Costa County, Clayton is home to about 11,500 residents (2020), representing just one percent of the total County population. Between 2000 and 2020, Clayton experienced a moderate growth of 5.3 percent, greatly contrasted to the boom of the previous two decades and growth in the region, at 14.8 percent. Today, Clayton is largely built out, with predominantly residential development and commercial uses concentrated in a shopping center near its northern boundary and in its downtown Town Center. Much of the eastern side of the City (east of Oakhurst Drive/Clayton Road) is constrained by challenging geology and terrain.

Throughout the greater Bay Area, the decades of the 2000s have been a period of significant growth and change, with home prices rising to among the highest in the nation and housing supply falling far below demand. Clayton has experienced this change in the form of rapidly escalating home prices; its neighborhoods, once affordable to middle-class households, have become unaffordable to lower- and middle-income households. About one quarter of current Clayton households overpay for housing despite earning high incomes, further reflecting the high cost of living in the Bay Area. For the few new developments recently approved in Clayton, affordable housing is produced only in response to local inclusionary housing requirements or pursuant to State density bonus law. Clayton needs a diversity of housing types at different levels of affordability for both rental and owner units. Housing diversity can add value to a community like Clayton and contribute to its sustainability. Through this Housing Element, the community looks to put forward housing policies and programs that will meet a variety of housing needs for new residents while preserving those qualities and community character that Clayton residents value.

REGULATORY FRAMEWORK

The Housing Element is one of the required components of a General Plan and must be consistent with all other elements of the General Plan. This element identifies ways in which the housing needs of existing and future residents can be met. State law describes in great detail the necessary contents of the Housing Element: 1) identifying housing needs; 2) analyzing constraints to housing production; 3) examining past

accomplishments from prior housing element planning efforts; 4) understanding how past planning practices may have excluded groups of people from housing opportunities; 5) documenting how the public has been engaged in the planning process; and 6) assessing and describing how land and financial resources will be marshalled to meet all housing needs. This Housing Element responds to those requirements and specifically to conditions and policy directives unique to Clayton.

The California Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans.

Section 65581 of the California Government Code reflects the legislative intent for mandating that each city and county prepare a Housing Element:

1. To ensure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goal.
2. To ensure that counties and cities will prepare and implement Housing Elements which, along with federal and state programs, will move toward attainment of the state housing goals.
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the state housing goal, provided such a determination is compatible with the state housing goal and regional housing needs.
4. To ensure that each local government cooperates with other local governments to address regional housing needs.

SCOPE AND CONTENT

This Housing Element applies to the planning period of June 2022 through December 2031 and identifies strategies and programs to:

- Maintain and enhance existing housing and neighborhoods
- Ensure adequate sites are available to accommodate moderate housing and population growth
- Update City policies and regulations to allow for a greater number and diversity of housing units
- Diversify the housing stock to increase opportunities at all income ranges and for both renters and homeowners
- Minimize governmental constraints to housing production
- Ensure fair housing practices
- Preserve and improve existing affordable housing stock

Toward these ends, this Housing Element consists of:

- This introduction to the scope and purpose of the Housing Element
- A Housing Plan to address the identified housing needs, including housing goals, policies, and programs
- A community needs assessment which reviews population characteristics, housing stock, and the special housing needs of the elderly, lower-income households, disabled persons, foster care youth aging out of the system, and people experiencing homelessness

- A review of potential market, governmental, and environmental constraints to meeting the City's identified housing needs
- An inventory of available sites in Clayton to meet the City's allocated regional housing need, referred to as the RHNA (Regional Housing Needs Allocation), established by the Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC)
- An evaluation of land, administrative, and financial resources available to address the housing goals
- A review of past accomplishments under the previous Housing Element
- A fair housing assessment
- A summary of public engagement events

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

As noted above, State law requires that the Housing Element be consistent with all other General Plan elements. The Clayton General Plan contains nine elements: Land Use, Circulation, Housing, Community Design, Open Space/Conservation, Safety, Noise, Community Facilities, and Growth Management. Most specifically, the Land Use Element must have land use policy that supports the distribution and densities of housing assumed in the Housing Element to achieve the RHNA. The City will continue to review the General Plan for internal consistency as amendments are proposed and adopted. The City is aware of the requirements of Assembly Bill (AB) 162 (2007), which requires every city and county to amend its General Plan Safety and Conservation elements to include analysis and policies regarding flood hazards and management.

ACRONYMS

This element includes use of many acronyms to identify agencies, housing programs, funding sources, and planning terms. Commonly used acronyms are:

ABAG/MTC – Association of Bay Area Governments/Metropolitan Transportation Commission

ADU – Accessory Dwelling Unit

AFFH - Affirmatively Furthering Fair Housing

AI - Analysis of Impediments to Fair Housing

ACS - American Community Survey

AMI – Area Median Income

CDBG – Community Development Block Grant

CEQA – California Environmental Quality Act

CHAS – Comprehensive Housing Affordability Strategy

CHDO – Community Housing Development Organization

DOF – State of California Department of Finance

HCD – State of California Department of Housing and Community Development

HUD – Federal Department of Housing and Urban Development

LIHTC – Low-Income Housing Tax Credit

MFI – Median Family Income

MRB – Mortgage Revenue Bonds

RHNA – Regional Housing Needs Allocation

SRO – Single Room Occupancy

TOD – Transit-Oriented Development

TCSP – Town Center Specific Plan

PUBLIC PARTICIPATION OVERVIEW

The Housing Element must reflect the values and preferences of the community. Therefore, public participation in the planning process is critical to ensuring this Housing Element represents community voices. Government Code Section 65583(c)(7) states: "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the program shall describe this effort."

To ensure this Housing Element addresses all economic segments of the community, the City engaged with local churches who have outreach connections to underrepresented communities. The City also conducted outreach to affordable housing developers. Chapter 8 (Community Engagement and Outreach) provides a thorough explanation of the City's outreach and public participation in the development of this Housing Element.

At its core, a Housing Element is an opportunity to have a community conversation about how to address local housing challenges, develop policies, and find solutions. As such, the public engagement process for Clayton involved participation from a variety of stakeholders to solicit input, and that input has informed key element programs and decisions, such as identifying appropriate housing sites and densities. The engagement process, described in detail in Appendix A, included interviews with the City Council and Planning Commissioners, an online community workshop, study sessions with the City Council and Planning Commission in which members of the public participated, a map-based online survey, Council and Commission frequent updates, and a Balancing Act survey that allowed participants to create their own housing plans. Key comments expressed at some of these activities are described below.

STAKEHOLDER INTERVIEWS

- Clayton is largely built out.
- The city lacks diverse housing options for young adults, renters, teachers, and seniors.
- Add new housing throughout City, not just in downtown.
- Developments downtown should attract Clayton residents and people living in nearby cities.

WORKSHOP

- **Vision** for an increase in affordable housing for new residents, community events held downtown, a diversified city facilitated by a range of affordable housing, affordable housing for younger adults, and a maintenance of the character of Clayton
- **Concerns** about having the infrastructure to support apartment complexes, traffic congestion that may come with additional housing, affordable housing options for seniors who want to downsize, and ensuring children who grow up in Clayton can one day afford to purchase homes

MAPTIONNAIRE SURVEY

Maptionnaire is a digital map-based tool for questionnaires, surveys, and data collection. The survey included several questions focused on housing issues and challenges, possible strategies and solutions for the City, locations for new housing, community preference for a vacant site (Downtown Site) in Clayton's historic Town Center, the community's vision and goals, and optional questions to gather demographic information. The survey was open to all members of the public. The map-based nature of the survey allowed participants to mark a digital map with places where they thought new housing would be appropriate and share what housing types they were interested in seeing. Participants were also able to upload photos or other materials to support their vision for the Downtown Site, and to answer questions about preferred uses for that site.

Key findings included:

- Over half (56 percent) of respondents said they were in favor of the potential growth increase in housing units in Clayton. Most of those in support of more housing also indicated concerns about possible impacts of growth.
- When asked to rank the importance of housing issues and challenges in the City, respondents listed traffic and congestion, preserving community character, limited infrastructure, and overcrowding as the top issues.
- A lack of diverse housing options and housing supply were the least important housing issues.
- When asked to rank the strategies or solutions that are appropriate for Clayton, participants indicated that supporting homeowners who want to build ADUs on single-family lots and encouraging the rehabilitation of existing housing in older neighborhoods were the top options.
- Providing shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing and targeting efforts to address long-term inequities in the housing market were the least important strategies.
- One-quarter of respondents indicated that new housing should blend in with the character of surrounding neighborhoods, and nearly one-quarter said that new housing should be located where it will have the least impact on traffic in Clayton.

BALANCING ACT

The City offered an opportunity for residents and other interested parties to participate in the Housing Balancing Act, a virtual simulation within which participants were given 15 vacant or underutilized sites within the City and asked what density of housing they preferred to see on each site. Starting with a "default" density of either two or three units per acre on each site, participants could change density in

increments of 1 unit per acre to as low as 0 units per acre if they did not want to see housing on a site, up to as many as 30 units per acre.

Generally, respondents specified higher densities on the sites in north Clayton, and particularly the Clayton Valley Presbyterian and St. John's Parish sites, where the most common densities selected were 30 units per acre. Some respondents also added comments suggesting increasing density above 30 units per acre on these sites, a comment that was also reflected in the minutes of the Planning Commission meeting at which Balancing Act was demonstrated.

In central Clayton, the Oakhurst Country Club overflow parking lot site also had some of the highest densities among sites in the simulation, with the most common density at 30 units per acre and an average of 13 units per acre.

In south Clayton, where the only site was a large property Pine Lane and Marsh Creek Road, respondents generally selected medium densities for the site (10 to 13 units per acre). Other sites, including sites in the Town Center, tended to have lower densities selected, and in some cases, no development. It is noted, however, that for some Town Center sites, some respondents commented that they preferred to see commercial development on those properties but would consider residential development on upper floors above commercial or adjacent to Clayton Road.

DRAFT HOUSING ELEMENT WORKSHOP SESSIONS

In May and June, 2022, the Planning Commission and City Council conducted a series of four public workshops on the draft Housing Element, which was made available for public review on May 20, 2022. Based on public comments, Commission recommendations, and Council discussion, the Council directed City staff to make minor adjustments to the draft before sending it to HCD for review.

After the City received comments from HCD in October 2022, staff revised the element to address those comments. An advertised Planning Commission study session was conducted on November 22, 2022, to review planned revisions with the Commission and to provide the public with an opportunity to comment prior to public hearings. City staff made minor adjustments in response to public comments. The revised element incorporating these final changes was made available to the public seven days prior to the December 13, 2022, Planning Commission hearing to recommend adoption. On January 10, 2023, the City Council conducted an advertised study session. The formal adoption hearing occurred on January 17, 2023.

2. Housing Plan

INTRODUCTION

This Housing Plan's goals, policies, and programs have been established to address housing issues in Clayton and to meet state law housing requirements. The City's enduring objective is to facilitate and encourage safe, decent housing that fulfills the diverse needs of current and future residents. To achieve this vision, the Housing Plan identifies long-term housing goals and shorter-term policies and programs to address identified housing needs, constraints to development, and resources available to address housing needs. These objectives are informed by the housing needs assessment, housing constraints analysis, housing resources analysis, and review of the previous Housing Element.

To make adequate provision for the housing needs for people of all income levels, State law (Government Code 65583[c]) requires that the City, at a minimum, identify programs that do all of the following:

- Identify adequate sites, with appropriate zoning and development standards and services to accommodate the locality's share of the regional housing needs for each income level.
- Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households.
- Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities.
- Conserve and improve the condition of the existing affordable housing stock and preserve assisted housing developments at risk of conversion to market-rate housing.
- Promote equal housing opportunities for all people, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

FRAMING THE CHALLENGE AND FINDING SOLUTIONS

Clayton is located within one of the most expensive housing regions in the country. The cost of existing homes remains high because of insufficient inventory and the desirability of Clayton's semi-rural character. Throughout the Bay Area, high materials and labor costs constrain housing production. Clayton has experienced very little new development since 2010, with almost no housing constructed for lower- and moderate-income households. Low wage earners and middle-income households who work in Bay Area counties and wish to buy a home—or just find something affordable for a family of four—often commute two hours or more to Central Valley communities such as Tracy or Stockton.

Other factors constraining housing production in Clayton include adverse geologic conditions on the City's east side that require significant investments to remedy unstable slope conditions, continuing concerns over drought conditions, high fire hazards associated with climate change, and limited job opportunities in Clayton, thus requiring commutes out of the community every day. This very limited jobs and

commercial base means that Clayton operates on a small municipal budget and must carefully consider the costs of providing adequate public services to new residences and residents.

The City recognizes that it shares similar challenges with many Bay Area communities, all of which have been tasked with creating new housing opportunities for people of all income levels. Historically, Clayton's land use and zoning regulations have capped residential densities at 20 units per acre, a density which does not provide much incentive to multi-family housing developers. The City's limited financial resources do not allow it to incentivize or partner with affordable housing developers to bring such needed homes into the community. Thus, to accommodate willing housing providers and the RHNA allocation of at least 570 units, the City's chief strategy is to zone properties at sufficient densities that will attract developers. In conjunction with adoption of this 2023-2031 Housing Element, the City has adopted new General Plan land use and zoning regulations that support this commitment.

Meeting regional and local housing needs extends beyond simply planning for new home construction. Often one of the best ways to provide reasonably priced housing is to preserve older housing stock that is already somewhat affordable. While this housing stock is very limited in Clayton—as homeowners have continued to invest in homes constructed in the 1960s to preserve their value—owners of such properties might consider building an accessory dwelling unit on their lot or subdividing the lot for a new home or two. This element identifies the City's stepped-up efforts to support homeowners's efforts to create new units within existing neighborhoods.

For this sixth cycle Housing Element update, the State has required much closer examination of how minority and lower-income households may have been discouraged or excluded from moving into Clayton through practices such as redlining or landlords not adhering to fair housing laws, or how such communities today face other challenges when looking to live in Clayton. The new commitment to encouraging affordable housing production looks to affirmatively further fair housing practices.

The natural environment that surrounds Clayton is a valued community asset that this Housing Element looks to protect by focusing new housing production in already developed areas of the City and limiting it in sensitive habitats, high fire hazard areas, and unstable hillsides. Planning for housing within the Town Center and along corridors with ready access to community amenities represents good planning practice that will benefit current and future Clayton residents.

To ensure this Housing Element addresses all economic segments of the community, the City engaged with local churches who have outreach connections to underrepresented communities. The City also conducted outreach to affordable housing developers. Chapter 8 (Community Engagement and Outreach) provides a thorough explanation of the City's outreach and public participation in the development of this Housing Element.

SITES INVENTORY SUMMARY

Housing development projects that have been approved (as of June 2022) account for 113 units, or about 20 percent of the RHNA. Vacant properties zoned for residential use total only 13.9 acres (Silver Oaks property), and the owner has indicated an intent to plan for about 32 units on that site. To accommodate the balance of the RHNA, this Housing Element identifies the following types of sites, described in detail in Chapter 5:

- Vacant properties zoned for residential, public, or agricultural use
- An overflow parking lot owned by the Oakhurst Country Club, as well as a portion of the driving range (adjacent to an existing residential neighborhood)
- A portion of the Seeno property
- Within the Town Center, vacant properties (including a significant City-owned site), public parking lots, and private properties that could be redeveloped with mixed-use projects
- Properties that currently developed with a single-family home but are large enough to support a multifamily housing project
- Sites owned by religious institutions that have expressed interest in developing housing on portions of their properties

Not all of these properties are designated and zoned for residential use and for those that are, the density yields are not considered high enough to encourage private redevelopment efforts. Thus, for this sixth cycle Housing Element, to accommodate its RHNA of 570 units the City will need to amend General Plan land use policy to increase residential densities to support multifamily housing, amend the Zoning Code

GOAL 1. Maintain and enhance long-established housing and neighborhoods while accommodating moderate growth.

to provide for consistency with General Plan policy, and rezone properties to reflect parallel General Plan land use designations. With the proposed amendments, the City is able to plan for the RHNA and create a planning buffer that responds to State laws regarding no net loss of affordable housing capacity should a site planned for below-market-rate housing be developed otherwise.

GOALS AND POLICIES

Policy 1.1 **Neighborhood Preservation.** Preserve the architectural and design quality of established residential neighborhoods.

Policy 1.2 **Impacts of New Housing.** Consider and mitigate the impacts of new housing on the City's infrastructure, open space, natural resources, and public services.

Policy 1.3 **Targeted Growth.** Target new housing development to areas in Clayton near major travel corridors and commercial centers.

Policy 1.4 **Code Enforcement.** Continue to utilize the City's code enforcement program to improve overall housing conditions, and promote increased awareness among property owners and residents of the importance of property maintenance.

Policy 1.5 **Facilitate Reinvestment.** Make it easy for homeowners to reinvest in their properties by having staff-level review processes for the home renovations and additions that meet minimum development standards.

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

Policy 2.1 **Adequate Housing Sites.** Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City's Regional Housing Needs Allocation of at least 570 units.

Policy 2.2 **Variety of Densities and Housing Types.** Implement land use policies and standards that allow for a range of residential densities and housing types that will enable households of all types and income levels opportunities to find suitable ownership and rental housing in the City.

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

Policy 2.4 **Urban Lot Splits.** Recognize urban lot splits, as defined and allowed by State law, as a viable means to create new housing.

Policy 2.5 **Mixed-use Development**. Promote mixed-use development in Downtown Clayton that includes residential uses above ground-floor commercial and office uses, with ground-floor residential allowed under limited circumstances, such as along side streets or behind street-facing commercial uses on Center and Main Streets.

Policy 2.6 **Housing on Religious Institution Lands.** Create land use regulations that encourage the development of housing, particularly below market-rate housing, on properties owned by religious institutions.

GOAL 3. Provide opportunities for housing that respond to the needs of special needs households.

Policy 3.1 **Persons with Living with Disabilities**. Ensure zoning regulations accommodate development approaches that support special consideration for persons living with disabilities of all types.

Policy 3.2 **Assistance and Incentives**. Facilitate the development of lower- and moderate-income housing by offering developers incentives such as density bonuses, streamlined entitlement and permitting processes, City participation in on- and off-site public improvements, and flexible development standards.

Policy 3.3 **Seniors, Large Families, Single-parent Households, Foster Youth.** Encourage development of housing that meets the specific needs of seniors, large families, single-parent households, and youth transitioning out of the foster care system.

Policy 3.4 **Supportive and Transitional Housing.** Ensure that zoning regulations respond to evolving laws regarding supportive and transitional housing.

Policy 3.5 **Unhoused Persons and Families.** Support regional programs focused on finding safe housing for persons and families who are temporarily or chronically without a place to live.



GOAL 4. Remove governmental constraints and obstacles to the production of housing for all income groups.

Policy 4.1 **General Plan Land Use Policy.** Ensure that General Plan land use policies permit higher density housing development within a range that can support and encourage affordable housing.

Policy 4.2 **Residential Development Standards**. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.

Policy 4.3 **Policy Assessments**. Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.



GOAL 5. Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Policy 5.1 **Anti-Discrimination**. Promote equity and prohibit discrimination in the sale, rental, or financing of housing based on race, color, ancestry, religion, national origin, sex, sexual orientation, gender identity, age, disability/medical condition, familial status, marital status, source of income, or any other arbitrary factor.

Policy 5.2 **Fair Housing**. Assist in the enforcement of fair housing laws by providing references for residents to organizations that can receive and investigate fair housing allegations, monitor compliance with fair housing laws, and refer possible violations to enforcing agencies.

Policy 5.3 **Housing Distribution.** Distribute affordable housing throughout all Clayton neighborhoods.

Policy 5.4 **Quality Living Environments**. Avoid concentrating low-income housing in areas with high pollution loads and low levels of public services.

Policy 5.5 **Inclusion.** Facilitate increased participation in civic conversations and decision-making by residents who have traditionally been underrepresented or hesitant to engage.

Policy 5.6 **Education.** Support continuing education for landlords regarding their fair housing legal responsibilities and tenants regarding their fair housing rights.



GOAL 6. Incorporate sustainability practices intohousing production and operations.

Policy 6.1 **New Subdivisions.** Require developers to incorporate sustainable practices into the design of subdivisions.

Policy 6.2 **Appliances.** Promote the use of clean, energy-efficient appliances in new homes.

Policy 6.3 **Energy Efficient Retrofits.** Promote home retrofits that reduce consumption of water and energy resources.

Policy 6.4 **High Standards**. Establish high sustainability standards for new multi-family housing and mixed-use develoments.

PROGRAMS

The City will pursue the following programs to implement Housing Element goals and policies. As part of its annual budgeting process, the City Council will evaluate its ability to fund ongoing programs and new initiatives, and will use the budgeting process to prioritize efforts for the coming year.

PROGRAM A: MAINTAINING THE EXISTING HOUSING STOCK

Program A1 – Code Enforcement

Code enforcement is an important tool for maintaining the quality of residential neighborhoods. Clayton staff provide inspection services on a complaint basis. Residences citywide generally are maintained in good to excellent condition, with evident pride of ownership. Examples of code violations—which are few—include poor landscape maintenance, fencing in need of repair, and minor property improvements. Between 2019 and 2022, the City identifed only two units that needed to be "red-tagged" due to building conditions. Actions the City will take to preserve the existing housing stock in good condition include:

- Provide ongoing inspection services to review code violations on a complaint basis.
- Work with neighborhood organizations and other groups to create programs that recognize homeowners for exemplary property maintenance.
- Create an ADU amnesty program that allows owners of illegally converted garages, detached accessory structures, and attached accessory living quarters to convert those units to units that comply with the building code and ADU ordinance.

Responsibility: Community Development Department

Time Frame: Code Enforcement annually

Amnesty program by 2026

Other efforts ongoing

Funding: General Fund, grants

PROGRAM B: CREATING OPPORTUNITIES FOR NEW HOUSING

Program B1 – Accessory Dwelling Units

Increase the number and affordability of assessory dwelling units by pursuing the following initiatives, with the goal of facilitating development of at least 10 ADUs annually.

- Publicize information in the general application packet and posting information on the City's website.
- Create a preapproved set of standard construction plans for several types of ADUs that property owners can use to reduce planning and building permit plan check costs.
- Provide incentives for developers of new housing to use ADUs to meet the City's inclusionary housing requirements.

Responsibility: Community Development Department

Time Frame: Publicize on website by June 2023

Standard Plans – By end of 2023

Other efforts annually through budget cycle~~, 2023–2031~~

Funding: General Fund, grants

Program B2 – Town Center Mixed Use

Amend the Town Center Specific Plan to allow for and encourage compact, creative types of housing, including live/work units, senior housing, efficiency apartments, and co-housing.

Responsibility: Community Development Department

Time Frame: Amend the Specific Plan by 202~~5~~4

Funding: General Fund, grants

Program B3 – Affordable Housing Development

Both for-profit and non-profit developers can provide affordable housing in Clayton. While the City has extraordinarily limited resources to help fund development and/or provide land, the City can assist by expediting applications, reducing fees, and allowing additional building height and/or density bonuses beyond those allowed by State statutes—or as a matter of right rather than as a concession/waiver pursuant to density bonus law. To encourage such development, the City will:

- Create a database of sites to help developers identify suitable sites for affordable residential and mixed-use developments.
- Develop a process that prioritizes the processing of affordable housing applications.
- Encourage use of the density bonus provisions through technical assistance and information dissemination.
- Alert housing developers with known interest in developing within the City when opportunities are available (e.g. sites, partnerships, City-owned land, availability of funding).
- Adopt a policy to provide priority water and sewer service to new housing developments for lower-income households.

Responsibility: Community Development Department

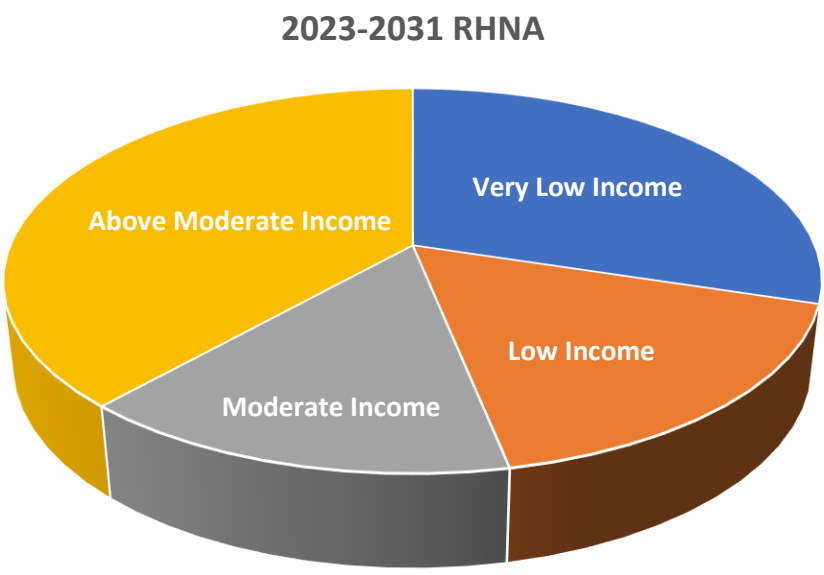
Time Frame: Database by end of 2024

Expedited process and priority policy by end of 2024

~~Ongoing~~ Annually for alerting developers

Funding: General Fund, grants

PROGRAM C: ADEQUATE SITES



The City of Clayton has been allocated a Regional Housing Needs Assessment (RHNA) target of 570 new housing units, distributed among four income categories: very low, low, moderate, and above moderate. The inventory of sites to accommodate this RHNA consists of vacant properties zoned for residential use, developed properties that have potential to be redeveloped at higher residential densities, mixed-use properties in the Town Center, properties owned by religious institutions that have surplus parking areas capable of supporting residential development, and accessory dwelling units (ADUs). As of 2022, General Plan land use policy and zoning do not have capacity sufficient to support this level of development; therefore, General Plan and zoning amendments are required to accommodate the RHNA. Program D below identifies the amendments the City will undertake to ensure that land use policies and regulations can support the RHNA.

Actions:

- Comply with the Surplus Lands Act (SLA).
- At such time that the City declares land surplus, the City will proactively seek out an affordable housing developer.
- Continue to provide appropriate land use designations and maintain an inventory of suitable sites for residential development.
- Establish a means to track all housing sites in the inventory to guard against no net loss of sites identified as suitable for lower-income housing development consistent with Government Code Section 65863. Maintain a priority list of sites for rezoning, if needed to guard against no net loss.
- Provide technical assistance and information on available City-owned parcels for lower-income developments to private or non-profit housing providers.
- Maintain a database of available housing sites and conduct targeted outreach to multifamily housing developers to promote private development and redevelopment efforts.

Responsibility: Community Development Department

Time Frame: SLA compliance annually and ongoing

Implementation and annual reporting throughout the planning period

Establish no-net-loss tracking within one year of Housing Element adoption and continuously track upon adoption

Technical assistance and database: Ongoing

Funding: General Fund

PROGRAM D: GENERAL PLAN AND ZONING CODE AMENDMENTS TO REMOVE CONSTRAINTS

Program D-1: General Plan Amendments

The City will amend the General Plan Land Use Element to clarify the density ranges for multi-family housing. Parallel amendments will be made to the Zoning Code. These revisions will increase zoning capacity for multi-family housing and thereby encourage development of housing for people of all income levels and desired housing choices. The amendments will be as follows:

- Amend Objective 1 and related policies to reflect higher allowed densities along major corridors.
- Amend the Multifamily Medium Density land use designation to describe a broader range of desired housing types and establish a density range of 10.1 to 20 units per acre.
- Amend the Multifamily High Density land use designation to describe a broader range of desired housing types and establish a density range of 20.1 to 30.0 units per acre.
- Amend the Institutional land use designation to allow for residential development within a density range of 10.1 to 30 units per acre, and at a minimum density of 20 units per acre on sites where religious assembly uses already exist.
- Amend the allowed uses in the Town Center designation to accommodate ground-floor residential under prescribed circumstances, such as along side streets or behind street-facing

commercial uses on Center and Main Streets and to allow for densities of up to 30 units per acre. Revisit the lot coverage standards to provide conditions that can accommodate higher densities.

- Amend the General Plan land use map to identify housing sites inventory properties for affordable housing as Multifamily High Density.
- Amend the General Plan to include policy language that allows for 100 percent affordable housing developments at 40 units per acre.
- Amend the Accessory Dwelling Unit (ADU) provisions to comply with current state law.
- Adopt a new policy in the Land Use Element requiring that development be built in accordance with minimum densities of the land use designation in which they are located.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Immediately following adoption of the Housing Element, the City will prepare ~~The~~ General Plan and Zoning Code amendments. Amendments will be completed b~~B~~y ~~January~~ the statutory deadline of January 31, 202~~43~~, with a goal of having them adopted before June, 2023.

ADU amendments by March 2023.

Funding: General Fund

Program D-2: Zoning Code Amendments

This Housing Element identifies a shortfall of properties zoned at appropriate densities to accommodate housing for the extremely low-, very low-, and low-income RHNA. State law (Government Code Section 65583.2(h) and (i)) requires that land rezoned or redesignated to meet a shortfall meet the following criteria:

- Require a minimum density of at least 20 units per acre
- Accommodate at least 16 units per site
- Allow multi-family housing by-right (without a use permit)
- At least 50 percent of rezoned sites must be designated for residential uses only

In 2012, the City established the Multi-Family High Density General Plan land use designation and the M-R-H zoning (High Density Multiple Family Residential) zoning district to accommodate the City's lower-income RHNA shortfall from the 2007–2014 Housing Element planning period. However, properties identified to meet the lower-income RHNA were not rezoned, and not all of the additional Zoning Code amendments were made. For this cycle, the City will:

- Amend the Zoning Code to include provisions for sites in the M-R-M (Medium Density Multiple Family Residential) and M-R-H zoning districts to allow at least 16 units regardless of density restrictions.
- Establish a Religious Institutional Overlay zone or similar mechanism to allow residential development on properties with an established religious use at a minimum density of 20 units per acre.

The Constraints analysis for this sixth cycle Housing Element identifies several Zoning Code amendment needed to address new state laws and remove potential constraints to development. In response, the City will:

- Revise the development standards for the M-R zone to increase the maximum allowable building height to 35 feet within 50 feet of an abutting single-family residential district.
- Revise the lot area regulation in Section 17.20.050 for the M-R-M zone to require a minimum of 10 units per acre and accommodate a maximum of 20 units per acre, and revise the lot area regulation for the M-R-H zone to require a minimum of 20 units per acre and accommodate a maximum of 30 units per acre.
- Amend the zoning code to decrease the interior side yard setback requirement for multi-family residential zones from 15 feet to 10 feet to align with smaller lot single-family residential zones.
- Establish a zoning overlay or other mechanism to allow affordable housing developments at a maximum density of 40 units per acre on properties occupied by a religious institution.
- Pursuant to the requirements of AB 101 (2017), amend the Zoning Code to allow Low Barrier Navigation Centers as a by-right use on properties zoned for mixed use and non-residential zones that permit multifamily housing.
- ~~Identify ways to s~~Streamline the site plan and development plan review processes, authorize the Planning Commission as the decision-making body for planned development permit approval, and make other procedural streamlining amendments to the Zoning Code as appropriate.
- Revise CMC Section 17.28.190 (Planned Development – Termination) to extend the Development Plan Permit expiration to 24 months.
- Revisit parking requirements for single-family residential uses to base requirements on the number of bedrooms in a unit instead of having the minimum standard of four per unit, and revise codified parking standards for multifamily residential uses to eliminate requirements for covered and guest parking.
- Revise CMC Section 17.20.150 (Multiple-Family Residential Zone - Open Area) to reduce the landscaping requirements for the multi-family residential zones.
- Update CMC Section 17.22.060 (Residential Density Calculations for Residential Parcels with Sensitive Land Areas – Exceptions) to add housing opportunity sites in the most recent Housing Element, in addition to sites identified in the previous Housing Element.
- Establish objective design standards for multifamily residential and qualifying mixed-use developments under State law.
- Amend the CMC, including but not limited to Titles 16 (Land Development and Subdivision) and 17 (Zoning), to remove Planning Commission and/or City Council discretion to increase objective standards (e.g., on-site parking or open space/landscaping) and/or reduce allowed density for residential development.
- Amend the CMC to allow by-right residential care facilities or group homes for persons with disabilities for 7 or more persons, subject to objective development standards.
- Amend the CMC to allow transitional and supportive housing in all mixed-use zones that allow housing, subject to objective development standards.
- Amend the CMC to allow manufactured housing in all multifamily residential and all mixed-use zones that allow housing, subject to objective development standards.

- Amend the CMC to allow by right employee housing consisting of no more than 12 units or 36 beds to be permitted in the agricultural zone, subject to objective development standards.

Because the Housing Element sites inventory includes sites identified in the fourth and fifth cycles, Government Code section 65583.2(c) requires that the City allow residential development by right (not subject to discretionary review) for any project with at least 20 percent of the units affordable to lower-income households. The Zoning Code amendments will include such provisions.

The Constraints analysis for this sixth cycle Housing Element identifies the need for written procedures to address new state laws and remove potential constraints to development. In response, the City will create written procedures for the SB 35 Streamlined Ministerial Approval Process.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: By January 31, 2024

Funding: General Fund and/or grants

PROGRAM E: INCREASED HOMEBUYING OPPORTUNITIES

Program E1: Mortgage Programs

Continue to refer interested persons to information regarding Contra Costa County's Mortgage Credit Certificate Program, Mortgage Revenue Bond Program, Owner-Occupied Housing Rehabilitation Program, and other programs the County may offer over time.

Responsibility: Community Development Department

Time Frame: Add to City's Housing webpage by end of 2023

Update Resource Links Annually~~Ongoing, 2023–2031~~

Funding: General Funds (used to post information)

Program E2: Mortgage Assistance

Seek funding to develop and implement a sustainable downpayment assistance program for first-time homebuyers by working with the County or by developing the City's own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Examine funding sources and program opportunities by 2025

Funding: CalHome, HOME, or other available sources

PROGRAM F: REGULATORY INCENTIVES

Program F1 – Town Center Specific Plan Amendment

To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use and second-story residential development. The City will amend the Specific Plan to identify housing opportunity sites at a density of up to 30 units per acre and that allow ground-floor residential uses under defined circumstances. The City will promote development opportunities in the Town Center, circulate a development handbook that describes the permitting process for mixed-use and residential projects, and offer incentives such as streamlined processing and additional density bonuses to incentivize such projects. The City will aim to facilitate the development of at least one mixed-use or 100 percent residential project within the planning period.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Amend the Specific Plan by 2024

Funding: General Fund and/or grants

PROGRAM G: INCLUSIONARY HOUSING

Program G1 – Monitoring

On August 16, 2016, the City Council passed and adopted an inclusionary housing ordinance, which provided the details of the Affordable Housing Plan identified in the fifth cycle Housing Element. The ordinance requires that 10 percent of the units for ownership residential projects containing 10 or more units to be created as affordable housing units.

Inclusionary housing requirements provide a solid means of producing affordable units. State law allows inclusionary requirements to be applied to rental units as well. During the planning period, the City will consider modifying the Affordable Housing Plan ordinance to expand application to all residential developments, whether ownership or rental. Also, the City may consider revisiting the Affordable Housing Plan to lower the threshold for providing affordable units to fewer than 10 units.

Recognizing the in-lieu fees often fall far short of the funds required to construct new unit, the City will also consider adjusting the in-lieu fees, as well as considering offering other options for construction of off-site housing, such as purchase of affordability covenants, rehabilitation of substandard existing units, and funding ADU production on other properties.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Investigate expanding requirements to rental housing and lowering the threshold(s) by 2026; implement by 2028 if deemed to be appropriate

Funding: General Fund

PROGRAM H: SPECIAL NEEDS HOUSEHOLDS

Program H1 – Funding Assistance

The City will seek funding under the federal Housing Opportunities for Persons with AIDS, California Child Care Facility Financing Program, and other state and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.

The City will proactively seek out develoers who cater to disabled populations to develop a housing project in Clayton.

Responsibility: Community Development Department, City Manager

Time Frame: Seek funding annually

Proactively seek out developers by end of 2025~~Ongoing, 2023-2031~~

Funding: General Fund

Program H2 – Reasonable Accommodation

The City shall provide information on its website and continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.

The City will establish a procedure for disabled persons or their representatives to request a reasonable accommodation from Zoning Code requirements, building codes, and land use regulations, policies, and procedures to provide disabled persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.

Responsibility: Community Development Department

Time Frame: Website and ~~P~~public information by end of 2023

Update public information annually~~ongoing, 2023-2031~~

Reasonable accommodation procedure by end of 2024

Funding: General Fund

Program H3 – Universal Design

The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.

The City will explore creating preapproved ADU construction plans with universal design.

Responsibility: Community Development Department

Time Frame: Implement universal design standards as development is proposed

Universal ADU plans by the end of 2025

Funding: General Fund

Program H4 – Expedited Processing

Give priority to development projects that include a component for special needs groups (including the elderly, disabled, large families, the homeless, students, and transitional foster youth) in addition to other lower-income households. Priority will consist of advancing applications for review ahead of development applications not addressing special needs households. Implement priority based on community needs to ensure adequate housing for all residents within special needs groups.

Responsibility: Community Development Department

Time Frame: As development is proposed

Funding: Application fees

PROGRAM I: AFFORDABLE HOUSING PRESERVATION

Program I1 – Monitor and Provide Options

The Stranahan subdivision includes five units that have affordability covenants expiring in 2025 and 2026. Seven other units also have affordability convenants, but these extend beyond 2033. As discussed in the Needs Assessment, the City has no financial resources available to preserve these units' affordability. Each unit, if purchased at current market values, would cost about $1.2 million, and potential affordable housing organizations would have to compete to buy the units to maintain their affordability covenants. Such a nonprofit owner would need to subsidize housing costs if a unit were sold or rented to moderate- or lower-income households. To keep these units as affordable units, the City will:

- Notify affordable housing providers regarding the potential availability of the units for sale at least one year prior to the covenants expiring to allow time for such providers to contact and negotiate with homeowners.
- Send letters to property owners of units that are at risk of expiring as affordable units encouraging owners to allow affordable housing providers to purchase the units of the affordability expiration dates.
- ~~Consider a~~Amend~~ing~~ Chapter 17.92 (Inclusionary Housing Requirements) to allow purchase of these units and extending the affordability covenants as a means of satisfying inclusionary housing goals.

Responsibility: Community Development Department

Time Frame: Contact potential nonprofit purchasers in 2024

Send letters to property owners of at-risk units 3 years, 1 year, and 6 months prior to expiration.

Consider amendments to Chapter 17.92 by 2024 and if considered appropriate, amend by 2025

Funding: General Fund

PROGRAM J: FAIR HOUSING

Program J1 – Local Practices

Review the Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.

Responsibility: Community Development Department

Time Frame: Review by end of 2023; remedies as needed to be completed by 2025

Funding: General Fund

Program J2 – Transparency in Decision-making

The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public meetings, and when required, public hearings. Early notice and awareness will be provided via print and social media.

Responsibility: Community Development Department

Time Frame: At the time applications are received

Funding: General Fund

Program J3 – Proactive Actions

The City relies upon Contra Costa County agencies and their contractors to provide fair housing services. The County's 2020 Analysis of Impediments to Fair Housing Choice did not report any findings for Clayton regarding fair housing testing, meaning that no instances of housing discrimination, unlawful evictions, discriminatory lending practices, or similar actions are known. Local fair housing issues largely relate to historic patterns of segregation that prevented people of color from buying or renting a home in Clayton and today, housing prices and rents that are prohibitive to lower-income households.

As the AFFH analysis in this element indicates, all of Clayton qualifies as a high resource area; thus, any new housing built in the City will provide residents a quality living environment. In addition, all housing that is constructed in Clayton would affirmatively further fair housing by providing affordable housing in a location where few affordable housing opportunities currently exist. The challenge is attracting affordable housing developers and removing barriers to affordable housing construction.

To address thes factors and work toward improving housing access for all, the City will take the following actions.

- Create a webpage as part of the City's website that provides links to housing resources, including how to address fair housing complaints.

- Continue to refer cases and questions to County agencies and their contractors for enforcement of prohibitions on discrimination in lending practices, in the sale or rental of housing, and violation of other fair housing laws.
- Continue to provide information to help increase awareness of fair housing protections by referral of people to fair housing workshops sponsored by the County.
- Inform landlords of their legal responsibilities regarding fair housing.
- Advertise the availability of fair housing services through flyers at public counters, on the City's website, and at other community locations.
- At least once annually, make a presentation to the City Council about fair housing issues and progress.
- Continue to participate in and implement the Analysis of Impediments to Fair Housing Choice for Contra Costa County.
- Promote public awareness of Federal, State, and local regulations regarding equal access to housing. Provide information to the public on various State and federal housing programs and fair housing law. Maintain referral information on the City's website and at a variety of other locations such as the community center, local social service offices, and at other public locations, including City Hall and the library.
- Implement an accessibility policy that establishes standards and procedures for providing equal access to City services and programs to all residents, including persons with limited proficiency in English, and persons with disabilities.
- Ensure that all development applications are considered, reviewed, and approved without prejudice to the proposed residents, contingent on the development application's compliance
- with all entitlement requirements.

Responsibility: Community Development Department

Time Frame: Implementation annually throughout the planning period

Website and public counter posting of fair housing resources to occur within one year of Housing Element adoption

Accessibility policy by end of 2025

Funding: General Fund

PROGRAM K: REPLACEMENT HOUSING POLICY

For any proposed housing development that involves the demolition or other removal of existing residential units, Government Code section 65915(c)(3) requires that the City have a replacement policy for any removed units that are subject to a recorded covenant, ordinance, or law that limits occupation of those units to lower- or very low-income households. The City will adopt such a policy to comply with state law.

Responsibility: Community Development Department

Time Frame: By end of 2023

Funding: General Fund

PROGRAM LK: RESOURCE CONSERVATION

Program LK1 – Energy Conservation

Continue to provide energy conservation brochures at City Hall, at the Clayton Community Library, and on the City's website.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Program LK2 – Stretch Program

Review and consider possible amendments to the General Plan, Zoning Code, and related policy and regulatory documents to improve energy conservation beyond CalGreen standards. Consider establishing an incentivized residential green building program to encourage energy-efficient retrofitting, and the use of renewable energy in residential applications. Some of the incentives the City will consider when drafting this program will be:

- Providing eligible projects with building and plan check fee rebates (when financially feasible)
- Achieving third-party green building certification
- Renewable energy systems
- Green roofs

Responsibility: Community Development Department

Time Frame: Consider establishing a residential green building program by 2025

Funding: General Fund

Program LK3 – Regional Programs

Continue to participate in home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO, Figtree, and CaliforniaFirst.

Responsibility: Community Development Department

Time Frame: Ongoing

Funding: General Fund, grants

SUMMARY OF QUANTIFIED OBJECTIVES

Table 2-1 summarizes Clayton's quantified objectives for the 2023-2031 Housing Element planning period.

The City red tags approximately two units every three years , meaning that those units are at risk of being torn down due to housing condition.

The City targets conserving up to two units annually from demolition.

Table 2-1: 2023-2031 Quantified Objectives

	Income Level					
	Extremely Low	**Very Low**	**Low**	**Moderate**	**Above Moderate**	**Total**
Construction Objective	170		97	84	219	570
Rehabilitation Objective	0	1	2	5	0	8
At-Risk Housing Units to Preserve	0	0	0	1	0	1

3. Housing Needs Assessment

POPULATION AND EMPLOYMENT TRENDS

Housing needs are influenced by population and employment trends. This section provides a summary of changes to the population size, age, and racial/ethnic composition in the City of Clayton. Moreover, to gain a deeper understanding of the local housing needs, an evaluation of the intersection of these demographic characteristics with housing statistics—housing type and tenure, condition, cost, and vacancy—provide the basis for a proper housing needs assessment.

BASELINE POPULATION AND POPULATION GROWTH

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990, except for a dip during the Great Recession that began in 2008. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has not kept pace with job and population growth. Since 2000, Clayton's population has increased by 5.3 percent; this rate is below that of the region as a whole, at 14.8 percent.

Table 3-1: Population Growth Trends

Geography	1990	1995	2000	2005	2010	2015	2020
Clayton	7,317	8,745	10,762	10,906	10,897	11,326	11,337
Contra Costa County	803,732	863,335	948,816	1,016,372	1,049,025	1,113,341	1,153,561
Bay Area	6,020,147	6,381,961	6,784,348	7,073,912	7,150,739	7,595,694	7,790,537

Universe: Total population

Source: California Department of Finance, E-5 series

For more years of data, please refer to the Data Packet Workbook, Table POPEMP-01.

In 2020, Clayton's population was estimated to be 11,337 (see Table 3-1). From 1990 to 2000, the population increased by 47.1 percent, with a much smaller increase of 1.3 percent during the first decade of the 2000s. This large increase between 1990 to 2000 can be explained by expansion and urbanization of the undeveloped lands to the north and west of the city center. These areas were developed into

residential subdivisions and incorporated into the city. Between 2010 and 2020, the population increased by 4.0 percent. The population of Clayton makes up 1.0 percent of Contra Costa County.[1]

AGE

The distribution of age groups in a city influences what types of housing the community may need in the future. An increase in the older population may indicate a developing need for more senior housing options, while higher numbers of children and young families can point to increased demand for family housing options and related services. The desire of residents to age in place or downsize to stay within their communities may mean more multi-family and accessible units are needed.

Clayton's overall population is aging, although the number of high school and college age residents is increasing as well. The median age in 2000 was 39.5; by 2019, this figure had increased to 46 years of age. Notably, the 15 to 24 age group and 55 to 64 age group both saw a four percent increase from 2010 to 2019. These increases, coupled with the decline in residents aged 35 to 44 suggests that families are aging in place and the population is remaining fairly static without many young adults or new parents moving to the City. The large percentage of older adults suggests that the demand for smaller homes is likely to increase as older adults downsize and move out of larger family units.

Table 3-2: Age

Demographic Profile	2010	Percentage	2019	Percentage
Age				
0-4	468	4%	586	5%
5-14	1,665	15%	1,556	14%
15-24	1,131	10%	1,634	14%
25-34	706	6%	807	7%
35-44	1,479	14%	1,264	11%
45-54	2,132	20%	1,845	16%
55-64	1,714	16%	2,283	20%
65-74	949	9%	1,138	10%
75-84	489	4%	731	6%
85+	164	2%	239	2%
Median Age	43.4		45.7	

Source: U.S. Census Bureau 2010, 2019 5-year

[1] To compare the rate of growth across various geographic scales, Figure 3-1 shows population for the jurisdiction, county, and region indexed to the population in the year 1990. This means that the data points represent the population growth (i.e., percent change) in each of these geographies relative to their populations in 1990.

RACE AND ETHNICITY

The racial makeup of a city and region influence the design and implementation of effective housing policies and programs. These patterns may be attributed in part by prior and current market factors and government actions, including such practices as exclusionary zoning, discriminatory lending, and displacement that continue to impact communities of color[2]. Table 3-3 shows the change in race and ethnicity in Clayton between 2010 and 2019. Since 2000, the percentage of residents in Clayton identifying as White has decreased as a percentage of total population, by 4.2 percentage points. Correspondingly, the percentage of residents of all other races and ethnicities has increased, with the largest increase in Other Race or Multiple Races, Non-Hispanic population (see Table 3-3).

Table 3-3: Race and Ethnicity

Demographic Profile	2010	Percentage	2019	Percentage
Race/Ethnicity				
White (non-Hispanic)	8,640	79.2%	9,016	75.0%
Hispanic	982	9.0%	1,241	10.0%
Black	144	1.0%	279	2.0%
Asian/Pacific Islander	721	6.6%	922	7.6%
Other Race or Multiple Races, Non-Hispanic	380	3.5%	610	5.0%
American Indian or Alaska Native	30	0.2%	15	0.1%
Total	10,897	99.5%	12,098	99.7%

Source: US Census Bureau 2010, 2019 5-year

Note: The population estimates provided by the US Census Bureau and the State Department of Finance, as reported in Table 3-1, differ due to the calculation methods used.

EMPLOYMENT

A city houses employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a city may have job sites that employ residents from the same city, but more often employ workers commuting from outside of it. Smaller cities typically will have more employed residents than jobs and thus export workers, while larger cities tend to have a surplus of jobs, requiring the import of workers. To some extent, the regional transportation system is set up for this flow of workers to the region's core job centers. At the same time, as the housing affordability crisis has illustrated, local imbalances may be severe, where local jobs and worker populations are out of sync at a sub-regional scale.

Clayton has 5,920 workers living within its borders who work across 13 major industrial sectors. Table 3-4 provides detailed employment information. Many Clayton residents work in Educational services and health care and social assistance (23 percent), followed by those working in Professional, scientific, and

[2] See, for example, Rothstein, R. (2017). *The Color of Law : A Forgotten History of How our Government Segregated America*. New York, NY & London, UK: Liveright Publishing.

management, and administrative and waste management services (15 percent). Between 2010 and 2019, the number of residents working in all these job categories increased. These trends are important to understand, as certain industries are generally associated with lower median earnings. In Clayton, the median income for Educational services, and health care and social assistance is $54,939, while the median income for Professional, scientific, and management, and administrative and waste management services is significantly higher at $105,469.

Table 3-4: Employment by Industry

Demographic Profile	2010	Percentage	2019	Percentage
Employment by Industry				
Educational services, and health care and social assistance	1,091	21%	1,358	23%
Retail trade	639	12%	427	7%
Manufacturing	295	6%	349	6%
Professional, scientific, and management, and administrative and waste management services	646	12%	878	15%
Construction	222	4%	366	6%
Arts, entertainment, and recreation, and accommodation and food services	343	6%	569	10%
Finance and insurance, and real estate and rental and leasing	861	16%	565	10%
Other services, except public administration	160	3%	265	4%
Transportation and warehousing, and utilities	231	4%	385	7%
Public Administration	432	8%	373	6%
Wholesale Trade	179	3%	132	2%
Information	168	3%	237	4%
Agriculture, forestry, fishing and hunting, and mining	47	0.9%	16	0.3%

Source: US Census Bureau 2010, 2019 5-year

Table 3-4: Employment by Industry

Demographic Profile	2010	Percentage	2019	Percentage
Employment by Industry				
Educational services, and health care and social assistance	1,091	21%	1,358	23%
Retail trade	639	12%	427	7%
Manufacturing	295	6%	349	6%
Professional, scientific, and management, and administrative and waste management services	646	12%	878	15%
Construction	222	4%	366	6%
Arts, entertainment, and recreation, and accommodation and food services	343	6%	569	10%
Finance and insurance, and real estate and rental and leasing	861	16%	565	10%
Other services, except public administration	160	3%	265	4%
Transportation and warehousing, and utilities	231	4%	385	7%
Public Administration	432	8%	373	6%
Wholesale Trade	179	3%	132	2%
Information	168	3%	237	4%
Agriculture, forestry, fishing and hunting, and mining	47	0.9%	16	0.3%

Source: US Census Bureau 2010, 2019 5-year

The 10 principal employers in Clayton in 2021 are identified in Table 3-5.

Table 3-5: 10 Principal Employers, 2021

Employer	Number of Employees
Safeway, Inc. #1195	126
Walgreens #2112	23
Cemex Construction Materials Pacific LLC	18
Keith R Bradburn, D.D.S.	11
Christina P. Mason, D.D.S.	10
Clayton Bicycles	7
Epic Care Family Practice/Clayton Valley Med Group	6
The Grove Family Dentistry	6
HVAC CAD Services, Inc.	5
R & M Pool, Patio & Garden	4

Table 3-5: 10 Principal Employers, 2021

Employer	Number of Employees

Source: City of Clayton, Business License Data, 2021

HOUSEHOLD CHARACTERISTICS

The characteristics of a community's households impact the type and tenure of housing needed in that community. Household type, income levels, the presence of special needs populations, and other household traits are all factors that affect the housing needs of a community and the strategies that the community must deploy to meet those needs.

Characteristics for Clayton households are summarized in Table 3-6. Homes in Clayton are predominantly owner-occupied. The number of households in Clayton increased from 3,852 in 2010 to 4,232 in 2019 (380 new households). Renter-occupied households decreased by 86 households, from 385 in 2010. Owner-occupied households increased by 312 households from 3,621 households in 2010.

Table 3-6: Household Characteristics by Tenure

Household Characteristic	Owner Households	Renter Households	All Households
Number of Households[1]	3933 (92.9%)	299 (7%)	4,232
Median Household Income[1]	$161,453	$92,109	$157,768
Household Income Categories[2]			
Extremely Low Income (0-30% AMI)	195 (4.9%)	15 (5.3%)	210 (5%)
Very Low Income (30-50% AMI)	175 (4.4%)	55 (19.6%)	230 (5.4%)
Low Income (50-80% AMI)	175 (4.4%)	25 (8.9%)	200 (4.7%)
Moderate Income (80-100% AMI)	170 (4.3%)	35 (12.5%)	205 (4.8%)
Above Moderate Income (100% + AMI)	3,205 (81.7%)	150 (53.5%)	3,355 (79.8%)
Total	**3,920**	**280**	**4,200**
Total number of projected Extremely Low-Income Households (RHNA)[2]	N/A	N/A	48
Overpayment			
All Households Overpaying for Housing	1,095 (27.9%)	95 (33.9%)	1,185 (28.2%)
Lower Income Households Overpaying for Housing (*0-80%)[2]	405 (74.3%)	60 (63%)	455 (71%)

Table 3-6: Household Characteristics by Tenure

Household Characteristic	Owner Households	Renter Households	All Households

Source[1]: US Census Bureau, American Community Survey 2014-2019 5-year estimates

Source[2]: U.S. Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) Tables 2013-2017

INCOME

According to 2018 American Community Survey data, the median household income in Clayton was $157,768, which is significantly higher than the Contra Costa County median household income of $99,716. Median household income differs by tenure; owner households in Clayton have a significantly higher median income than renter households (a difference of $69,344).

American Community Survey (ACS) census data from 2019 estimates that 1.4 percent of the Clayton population lives in poverty, as defined by federal guidelines. This percentage is much lower than that of Contra Costa County, where 8.7 percent of residents live in poverty. Poverty thresholds vary by household type. Both renter and owner levels are very low, with less than one percent of renter households living in poverty and 0.6 percent of owner households living in poverty. In Clayton, the percentage of persons living in poverty is higher for residents with a high school degree as their highest level of education (4.6 percent), residents who report two or more races (2.8 percent), and Black residents (1.4 percent).

Because poverty thresholds do not differ based on geographic differences, a better measure to understand income disparities can be to identify various percentages compared to the median income for a particular area. For housing planning and funding purposes, the Department of Housing and Urban Development (HUD) uses five income categories to evaluate housing need based on the Area Median Income (AMI) for the county:

- Extremely Low-Income Households earn 0-30 percent of AMI
- Very Low-Income Households earn 30-50 percent of AMI
- Low-Income Households earn 50-80 percent of AMI
- Moderate-Income Households earn 80-100 percent of AMI (HCD uses 120 percent)
- Above Moderate-Income Households earn over 100 percent of AMI (HCD uses 120 percent or greater)

Comprehensive Housing Affordability Strategy (CHAS) data provides special Census tabulations (developed for HUD) and calculates household income adjusted for family size and tenure. As shown in Table 3-4**,** in Clayton, above moderate-income households represent the largest share of all households (79.8 percent), and very low-income households are the second largest category (5.4 percent). Income also differs by tenure. As indicated in Table 3-4, more renter households than owner households are in the lower-income categories (0-80 percent AMI); for example, 19.6 percent of renter households are in the very low-income category compared to 4.4 percent of owner households.

HOUSING OVERPAYMENT

State and federal standards specify that households spending more than 30 percent of gross annual income on housing experience a housing cost burden. Housing cost burdens occur when housing costs

increase faster than household income. When a household spends more than 30 percent of its income on housing costs, it has less disposable income for other necessities such as health care, child-care, and food. In the event of unexpected circumstances such as loss of employment or health problems, lower-income households with a housing cost burden are more likely to become homeless or double up with other households. In Clayton, 28.2 percent of households are overpaying for housing, with 27.9 percent of owner households and 33.9 percent of renter households overpaying for their residences. (Owner households may elect to pay more to enter the ownership market.) Lower-income households have a significantly higher rate of overpayment, with 71 percent of lower-income owner and renter households overpaying for housing.

HOUSING STOCK CHARACTERISTICS

HOUSING STOCK

In 2019, the Department of Finance reported an estimated 4,365 occupied housing units in the City. Compared to 2010, the housing stock has increased by 420 units. Most of the housing stock consists of single family detached homes (81.8 percent) followed by single family attached (13 percent) and multi-family units (five percent). ACS data from 2019 indicate that 0.4 percent of owner households and zero percent of renter households are vacant. Compared to other jurisdictions, vacancy rates in Clayton are very low.

Between 2010 and 2019, the number of single family homes grew by 26 units while no multi-family homes were constructed. As multi-family housing is often a more affordable means for people to enter the housing market, the lack of growth in multi-family homes in Clayton suggests there are fewer housing opportunities for young families and newly independent or single adults in the area. Multi-family housing can also provide an opportunity for empty nesters to downsize while continuing to reside in their community.

Table 3-7: Housing Stock by Type- 2021

Housing Type	Number of Units
Total Housing units	**4,165**
Single Family Detached	3,410 (82%)
Single Family Attached	546 (13%)
Multi-Family Units	209 (5%)
Mobile home, other units	0 (0%)

Source: California Department of Finance E-5 Population and Housing Estimates, 2021

Table 3-8: Housing Stock Characteristics by Tenure

Housing Characteristic	Owner Households	Renter Households	All Households
Total Housing Units	3,933 (90%)	299 (6.8%)	4,365
Persons per Household	Data not available		2.83
Vacancy Rate	Data not available		2.0%
Overcrowded Units	0%	0%	0%
Units Needing Replacement/Rehabilitation	0	0	None
Housing Cost – Average	$1,030,000 (for sale)	$2,690 (monthly rent)	N/A

Sources: US Census Bureau, American Community Survey 2015-2019 5-year estimates, Zillow.com, Rent.com, California Department of Finance E-5 Population and Housing Estimates, 2021
CoreLogic, 2022

OVERCROWDING

In response to a mismatch between household income and housing costs in a community, some households may not be able to buy or rent housing that provides a reasonable level of privacy and space. According to both California and federal standards, a housing unit is considered overcrowded if it is occupied by more than one person per room (excluding kitchens, bathrooms, and halls). In Clayton, no housing units qualify as overcrowded, suggesting that household incomes are aligned with local housing costs.

HOUSING CONDITION

The condition of housing stock can be an indicator of potential rehabilitation needs. Based upon observations and experiences of the Community Development Director for Clayton, the City reports that in 2020, no housing units are in severe need of replacement or substantial rehabilitation due to housing conditions. This likely reflects the fact that household incomes in Clayton are high and property owners have the financial ability to maintain their properties.

HOUSING COST

The cost of housing in a community is directly correlated to the number of housing problems and affordability issues. High housing costs can price low-income families out of the market, cause extreme cost burdens, or force households into overcrowded or substandard conditions. As of February 2022, the Clayton median home price according to CoreLogic was $1,030,000. The median home price in Contra Costa County for this same period was $785,000, or $245,000 lower than in Clayton.

According to the 2019 Census, only 6.8 percent of Clayton's housing stock is rental housing. Very few rental units exist in the city, so average rent was calculated using rents from Clayton, San Ramon, and Pleasant Hill. Using Zillow.com and Trulia.com data for these three communities (with only one property shown for rent in Clayton), the average local monthly rent was estimated to be $2,690 per month based on a very limited sample size. Table 3-9 shows the HUD-determined fair market rents for Contra Costa County. The assumed average local rent of $2,690 falls within the range for a two- to three-bedroom unit. Rents in Clayton thus may be considered generally in line with those countywide.

Table 3-9: Fair Market Rents in Contra Costa County

Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2020 FMR	$1,488	$1,808	$2,239	$3,042	$3,720

Sources: FY2020 Fair Market Rents. U.S. Department of Housing and Urban Development (HUD)

SPECIAL HOUSING NEEDS

Housing Element law requires local governments to include an analysis of housing needs for residents in specific special needs groups and to address resources available to address these needs. Table 3-10 indicates special needs households in Clayton based on ACS data and annual County homeless counts.

Table 3-10: Special Needs Groups

Special Needs Category	Count	Percent
Persons with Disabilities[1] (inclusive of persons with developmental disabilities)	1,024	8.5% of population
Persons with Developmental Disabilities [1]	348	3% of residents
Elderly (65+ years) [1]	14,514	11.3% of residents
	618 households	14.6% of households
Large Households (5+ members) [1]	487 households	11.5% of households
Farmworkers[1]	16	0.3% of labor force
Migrant Worker Student Population	0	0% of labor force
Female Headed Households[1]	252 households	5.9% of households
Male Headed Households	85 households	2% of households
Married Couple Households	2,963 households	70% of households
Householder Living Alone	771 households	18% of households
People Experiencing Homelessness[2]	7	N/A

Sources:

1. US Census Bureau, American Community Survey 2015-2019 5-year estimates

2. Contra Costa County: Annual Point in Time Count Report

PERSONS WITH DISABILITIES, INCLUDING PERSONS WITH DEVELOPMENTAL DISABILITIES

Disabled residents face housing access and safety challenges. Disabled people, in many cases, are of limited incomes and often receive Social Security income only. As such, most of their monthly income is often devoted to housing costs. In addition, disabled persons may face difficulty finding accessible housing (housing that is made accessible to people with disabilities through the positioning of appliances and fixtures, the heights of installations and cabinets, layout of unit to facilitate wheelchair movement, etc.) because of the limited number of such units.

In Clayton, 1,024 residents live with a disability, representing 8.5 percent of residents. Most residents with a disability are 75 and older (47.9 percent), followed by those 65 to 74 years old (12.6 percent). The most

commonly occurring disability among seniors 65 and older was a hearing difficulty, experienced by 16.6 percent of Clayton's seniors. For those with a developmental disability, the overwhelming majority reside in the home of a parent, guardian, or family member (80 percent).

ELDERLY (65+ YEARS)

Many senior-headed households have special needs due to their relatively low incomes, disabilities or limitations, and dependency needs. Specifically, many people aged 65 years and older live alone and may have difficulty maintaining their homes, are usually retired, live on a limited income, and are more likely to have high health care costs and rely on public transportation, especially those with disabilities. The limited income of many elderly persons often makes it difficult for them to find affordable housing. In Clayton, 618 households are headed by elderly residents, representing 14.6 percent of total households. Elderly residents experience poverty at the same rate as those aged 18 to 34 (2.8 percent) and a higher rate than all Clayton residents (1.4 percent).

LARGE HOUSEHOLDS (5+ MEMBERS)

Large households, defined by HCD as households containing five or more persons, have special housing needs due to the limited availability of adequately-sized, affordable housing units. Larger units can be very expensive; as such, large households often must reside in smaller, less expensive units. Alternatively, to save on housing costs, large households may have to double-up with other families or live with extended families, which may result in unit overcrowding. Clayton has 487 large households, representing 11.5 percent of all households. A larger percentage of owner households (10 percent) are defined as large households as compared to renter households (1.4 percent).

In Clayton, 0.5 percent of families are living in poverty. As of 2019, no large households were reported as living in poverty.

FARMWORKERS

Due to the high cost of housing and low wages, a significant number of migrant farm workers have difficulty finding affordable, safe, and sanitary housing. Census data report 16 Clayton residents who may work as farmworkers, representing only 0.3 percent of the local labor force. Maps from the State of California Department of Conservation Farmland Mapping and Monitoring Program show no farmland in Clayton. Due to the low number of agricultural workers in the city, the housing needs of migrant and/or farm worker housing need can be met through general affordable housing programs.

FEMALE-HEADED HOUSEHOLDS

Single-parent households require special consideration and assistance because of the greater need for day care, health care, and other services. In particular, female-headed households with children tend to have lower incomes and a greater need for affordable housing and accessible daycare and other supportive services. The lower incomes often earned by female-headed households, combined with the increased need for supportive services, severely limit the housing options available to them. In Clayton, the 252 female headed households represent 5.9 percent of all households. A total of 2.8 percent of female-headed households live in poverty, a higher percentage than all households living in poverty at 0.5 percent.

PEOPLE EXPERIENCING HOMELESSNESS

Population estimates for people experiencing homelessness is very difficult to quantify. Census information is often unreliable due to the difficulty of efficiently counting a population without permanent residences. Given this impediment, local estimates of the homeless and anecdotal information are often where population numbers of the homeless come from. In 2020, the Contra Costa County point-in-time counts identified seven people experiencing homelessness in Clayton. In Contra Costa County, the overall homeless count increased by one percent between 2019 and 2020.

Eight organizations listed in the table below provide local homeless services to Clayton and the region.

Table 3-11: Regional Homelessness Services

Provider	Program/ Services
Contra Costa County Public Health Division	C.O.R.E Homeless Outreach
	Contra Costa Youth Continuum of Services
	Contra Costa Adult Continuum of Services
	Permanent Supportive Housing
	Community Homeless Court
Bay Area Rescue Mission	Food pantry, transitional housing, emergency services, life transformation programs, community outreach
Greater Richmond Interfaith Program (GRIP)	Meals, transitional housing
Shepard's Gate Women's Shelter	Homeless shelter for women and children
SHELTER, Inc.	Temporary and affordable housing
Winter Nights	Homeless shelter (seasonal), homework help, and tutoring

Sources: cc.health.org, bayarearescuemission.org, gripcommunity.org, shepardsgate.org, shelterinc.org, cccwinternights.org

ENERGY CONSERVATION OPPORTUNITIES

The Housing Element is required to analyze opportunities for energy conservation in residential development, as energy-related housing costs can directly impact housing affordability. While State building code standards contain mandatory energy efficiency requirements for new development, the City and utility providers are also important resources to encourage and facilitate energy conservation and to help residents minimize energy-related expenses. Policies addressing climate change and energy conservation are integrated into the Clayton General Plan.

Clayton residents are eligible to participate in multiple energy efficiency and conservation programs:

- Contra Costa Weatherization Program provides no-cost weatherization upgrades to income-qualifying residents.
- Energy Upgrade California offers rebates for home retrofitting in Contra Costa County.
- California FIRST provides multi-family buildings with five or more units property-assessed financing for energy efficiency.
- Pacific Gas & Electric (PG&E) offers rebates for solar water heaters, pool pumps, and appliances.

- Single-family Affordable Solar Homes (SASH) helps income-qualifying households with up-front costs to make the benefits of solar power accessible.

AT-RISK HOUSING ANALYSIS

State housing law requires an inventory and analysis of government-assisted dwelling units eligible for conversion from lower income housing to market rate housing during the next 10 years. Reasons for this conversion may include expiration of subsidies, mortgage pre-payments or pay-offs, and concurrent expiration of affordability restrictions. One development in Clayton, the Stranahan subdivision, has affordability covenants that are currently scheduled to expire in the next 10 years (2022-2032). More specifically, under current affordability agreements, deed restrictions for five of its 12 affordable units will expire in 2025 or 2026.

Table 3-12: Affordable Units at Risk of Conversion to Market Rate in Clayton

Assisted Development	Total Deed-Restricted Affordable Units	Earliest Conversion Date
200 Stranahan Circle	1	2026
202 Stranahan Circle	1	2026
210 Stranahan Circle	1	2026
245 Stranahan Circle	1	2025
266 Stranahan Circle	1	2026

Source: City of Clayton Affordable Housing Inventory, 2022

PRESERVATION AND REPLACEMENT OPTIONS

Preservation of at-risk affordable housing can be achieved only with adequate funding availability. In Clayton, the five units with expiring covenants are single-family homes, and the property owners have little incentive to sell the units to another income-restricted household. Conversely, the owners may realize a substantial profit by selling their units. The option for preservation is likely limited to the willingness of an entity to purchase the unit at market cost and subsidize rent for a moderate- or lower-income household or to subsidize resale to a qualifying household. The City has no financial resources to do so. The City will, however, send notices to the property owners informing them of options for selling to entities with the ability to preserve the homes as affordable units.

Rental Assistance

State, local, or other funding sources can be used to provide rental subsidies to maintain the affordability of at-risk projects. These subsidies can mirror the Housing Choice Voucher/Section 8 program, in which the subsidy covers the cost of the unit above what is determined to be affordable for the tenant's household income, up to the fair market value of the unit. Unit sizes for the at-risk properties are all three bedrooms and are all in the moderate-income category. The total annual subsidies to maintain the five

at-risk affordable units in Clayton is estimated at $70,800,[3] without accounting for the initial cost an affordable housing organization to purchase the unit. Over a potential 30-year period of subsidy, the potential cost—not adjusted for inflation—would be $2.1 million.

Transfer of Ownership

If the current owners of the at-risk units do not desire to extend affordability restrictions to facilitate continued occupancy by another low- or moderate-income household, ownership of the unit can be transferred to a nonprofit housing organization. The estimated market value for the five affordable units that are potentially at risk of converting to market rate is about $1.2 million each.

Construction of Replacement Units

The construction of new low-income housing can be a means to replace at-risk units. The cost of developing new housing depends on a variety of factors, including density, size of units, construction quality and type, location, and land cost. In the Bay Area, the cost of constructing a new unit, absent land costs, ranges $250 to $300 per square foot[4]—with costs approaching $500 per square foot in San Francisco and Oakland. Assuming a development cost of $275 per square foot and a house size of 1,400 square feet, the construction cost of replacing all five units would be close to $2 million (with additional costs for land acquisition, financing, carrying costs, etc.).

Funding Sources

A critical component to implement any of these preservation options is the availability of adequate funding, which can be difficult to secure. In general, Low-Income Housing Tax Credit funding is not readily available for rehabilitation and preservation, as the grant application process is highly competitive and prioritizes new construction. Available funding sources that can support affordable housing preservation includes sources from the federal and state governments, as well as local and regional funding.

Federal Funding

- HOME Investment Partnerships (HOME) Program
- Project-Based Vouchers (Section 8)
- Section 811 Project Rental Assistance

State funding

- Affordable Housing and Sustainable Communities Program
- Golden State Acquisition Fund (GSAF)
- Project Homekey
- Housing for a Healthy California

[3] Total annual subsidies calculated by assuming 30% of rent for moderate income and subtracting this affordable rent from Contra Costa fair market rent for a 3-bedroom unit, multiplying by 12 (for one year) and multiplying by five (for the five units)

[4] https://www.homebuilderdigest.com/cost-guide/california-cost-guides/how-much-does-it-cost-to-build-a-house-in-the-san-francisco-bay-area/. Accessed 5-13-22.

- Multifamily Housing Program (MHP)
- National Housing Trust Fund
- Predevelopment Loan Program (PDLP)

Regional, Local, and Non-Profit Funding

- Multiple-Family Mortgage Revenue Bonds
- HOME – American Rescue Plan (ARP)

COASTAL ZONE

The City of Clayton is not in a coastal zone and therefore is not subject to the requirements of Government Code 65588 (c) and (d).

PROJECTED HOUSING NEED (RHNA)

Housing Element law requires a quantification of each jurisdiction's share of the regional housing need as established in the Regional Housing Need Allocation Plan prepared by the jurisdiction's council of governments, which for Clayton is the Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG). HCD, in conjunction with the ABAG, determines the projected housing need for cities and counties in the nine-county ABAG region, inclusive of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and Sonoma. This share, known as the Regional Housing Needs Allocation (RHNA), is 441,776 new housing units for the 2023-2031 planning period throughout the ABAG region. ABAG has, in turn, allocated this share among its constituent cities and counties, distributing to each jurisdiction its own RHNA divided along income levels. The City of Clayton has a RHNA of 570 housing units to accommodate in the current Housing Element cycle of 2023-2031. The income distribution is as shown in Table 3-13.

Table 3-13: Regional Housing Needs Allocation 2023-2031

Income Group	% of County AMI	Number of Units Allocated	Percent of Total Allocation
Very Low[1]	0-50%	170	30%
Low	>50-80%	97	17%
Moderate	>80-120%	84	15%
Above Moderate	120%+	219	38%
Total	**---**	**570**	**100%**

Note: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low-income households (0-30% AMI). In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation or apportion the very low-income figure based on Census data. There are 210 extremely low- and 97 very low-income households. Therefore, the City's very low-income RHNA of 97 units can be split into 48 extremely low-income and 49 very low-income units.

Source: Association of Bay Area Governments

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4. Constraints Analysis

INTRODUCTION

Many factors can encourage or constrain the development, maintenance, and improvement of housing stock. These factors fall into two categories—governmental and non-governmental constraints—and include physical constraints, land availability, development economics, and governmental regulations, all of which impact the cost and amount of housing produced. These constraints may result in housing that is not affordable to low- and moderate-income households or may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with lower incomes and/or special needs.

This chapter addresses both the governmental and non-governmental constraints that impact the City of Clayton's housing market and production. State law requires that Housing Elements analyze potential and actual governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and abilities. The constraints analysis must also demonstrate local efforts to remove or mitigate barriers to housing production, particularly for supportive and transitional housing, emergency shelters, and housing for persons with disabilities. Where constraints to housing production related to the City's regulations or land use controls are identified, appropriate programs to remove or mitigate these constraints are included in the Housing Plan.

GOVERNMENT CONSTRAINTS

While local governments have little influence on market factors such as interest rates, their policies and regulations can affect the type, amount, and affordability of residential development. Since governmental actions can constrain development and affordability of housing, State law requires that the Housing Element "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government Code Section 65583(c)(3)).

City regulations that affect residential development and housing affordability include policies, standards, and procedures set forth in the Land Use Element of the General Plan, specific plans, and the Zoning Ordinance.

LAND USE CONTROLS

General Plan Land Use Element

The General Plan is the City's principal land use policy document. The City adopted its first General Plan in July 1971. The General Plan was updated in 1985, with periodic amendments following, most recently in 2016. Table 4-1 shows the General Plan land use categories that allow for residential uses, along with density ranges and the types of residential uses allowed. The General Plan provides for single- and multi-

family housing at a range of densities from one to 20 units per gross acre. For the Multifamily High Density designation, the General Plan indicates not a density range but a set density of 20 units per acre. This indicates the possible need for a clarifying language in the General Plan. Because this could be considered a constraint, a housing program calls for amending the General Plan (and Zoning Code) to clarify allowed density ranges.

Table 4-1: General Plan Residential Land Use Categories

Land Use Category	Density Range (units/ gross acre)	Allowed Residential Uses
Rural Estate	Up to 1.0	Single-family detached estates
Single-Family Low Density	1.1 to 3.0	Single-family detached houses
Single-Family Medium Density	3.1 to 5.0	Planned unit developments (PUDs) and single-family subdivisions
Single-Family High Density	5.1 to 7.5	Patio homes, zero lot line homes, and cluster homes in a planned unit development (PUD)
Multi-Family Low Density	7.6 to 10.0	Cluster units such as townhouses, garden units, and other types of PUDs, including single-family detached dwellings
Multi-Family Medium Density	10.1 to 15.0	Multi-family units
Multi-Family High Density	20.0	Two-story (or higher) apartments or condominiums. Development within this density is encouraged to utilize the PUD concept and standards
Institutional	7.6 to 20 units	Various forms of housing for senior citizens

Source: City of Clayton General Plan Land Use Element

Town Center Specific Plan

The Town Center Specific Plan (TCSP) establishes goals and policies for development in the Town Center area. The purpose of the TCSP is to encourage appropriate commercial development while enhancing the area's historic character. The TCSP identifies appropriate land uses in the Town Center and provides design guidelines for new buildings, walkways, parking lots, and landscaping. The regulations allow for housing, with densities of up to 20 units per acre in the Multi-family High Density Residential category. For the Institutional Residential category, the lot coverage is capped at 50 percent, which could constrain development.

Table 4-2: Town Center Specific Plan Regulations

Land Use Category	Regulations
Multi-family Low Density Residential	Dwelling units at a density of 7.6 to 10 units per gross acre. Development intensity can reach 100 percent of individual parcel coverage as long as each unit has access to private outdoor space, use of recreational amenities, and provision of useable open space. Accessory dwelling units are allowed.
Multi-family Medium Density Residential	Dwelling units at a density of 10.1 to 15 units per gross acre

Table 4-2: Town Center Specific Plan Regulations

Land Use Category	Regulations
Multi-family High Density Residential	Dwelling units at a density of 15.1 to 20 units per gross acre. Structural coverage, not including recreational amenities, shall not exceed 65% of the site area.
Institutional Residential	Senior housing at a density of 7.6 to 20 units per gross acre. Development intensity can reach 100 percent structural coverage for individual parcels. Structural coverage shall not exceed 50% of the site area.

Source: Clayton Community Development Department, 2016

Marsh Creek Road Specific Plan

The Marsh Creek Road Specific Plan (MCRSP) refers to an area of 475 acres south and east of Clayton in central Contra Costa County. This area is mostly undeveloped and is located at the edge of existing urban development. Several residential development proposals have been submitted within this area, but it is also viewed as an important natural resource by the local residents. The goal of the MCRSP is to maintain the unique rural character of the study area and designate appropriate sites for residential development. The development will be guided and regulated in a manner to both protect the area's natural amenities and afford recreational opportunities and access to the public. All developments consist of low to medium density residential.

Zoning

The provisions of the Clayton Zoning Ordinance implement the policies and standards set forth in the General Plan. The Zoning Ordinance permits residential development in the following districts:

- Single-family residential districts – The following designations are included in the single-family residential zoning categories: R-10, R-12, R-15, R-20, R40, and R-40-H. The number within each designation identifier references the minimum lot size, in thousands of square feet, for each designation.

- Multi-family residential districts – The following designations are included in the multi-family zoning categories: M-R (low density multifamily residential), M-R-M (multifamily residential, medium density), and M-R-H (multifamily residential, high density). Although there are no parcels currently zoned M-R, M-R-M, or M-R-H, some parcels within the TCSP area have land use designations that are consistent with the development densities of the M-R and M-R-H districts, and the City maintains all of the multi-family residential districts for future use.

- Planned development district – The following designation is used to denote planned development district: PD.

- Commercial districts – The LC (limited commercial) designation is applied to parcels inside of the TCSP area. A few parcels near the northern edge of the City are also zoned LC district. Parcels that are designated or zoned LC district allow some multi-family residential uses under certain circumstances.

The Zoning Ordinance establishes the types of allowed residential uses and the allowed density, as well as residential development standards for each zoning district.

The Clayton Municipal Code, including the Subdivision and Zoning Ordinances, contains language in a number of areas that gives discretion to the Planning Commission and/or City Council to reduce density or increase on-site development requirements. Because this is a constraint to developing housing, a housing program calls for amending the CMC to ensure density is not reduced nor additional development standards applied to housing development projects.

The CMC contains additional subdivision limitations, including those that regulate street and right-of-way width and those that are safety oriented. For example, collector streets must have 60-foot rights-of-way, with 40 feet curb-to-curb. Minor streets may be narrower, and arterials and major arterials must be wider. The minimum width of paved (curb-to-curb) and rights-of-way are similar to other jurisdictions. Cul-de-sacs cannot serve more than 16 lots nor be longer than 700 feet, minor streets cannot be steeper than 12 percent without City Engineer approval, blocks (with through-streets) may not exceed 1,000 feet, and sidewalks must be four feet wide. The minimum and maximum requirements are similar to other jurisdictions. Therefore, subdivision requirements are not a constraint.

Permitted Residential Uses

Table 4-3 identifies the residential use types permitted by right (P) or permitted subject to the approval of a use permit (UP), as well uses not allowed in residential zoning districts (--).

Table 4-3: Residential Use Permit Requirements

Residential Use Type	R-10	R-12	R-15	R-20	R-40	R-40-H	M-R	M-R-M	M-R-H	LC	TCSP
Single-family dwelling	P	P	P	P	P	P	UP	UP	UP	--	--
Second dwelling unit	P	P	P	P	P	P	P	P	P	--	--
Duplex Residential	--	--	--	--	--	--	P	P	P	--	--
Multi-family residential (triplex, condos, apartments, etc.)	--	--	--	--	--	--	P	P	P	--	--
Residential above commercial	--	--	--	--	--	--	--	--	--	--	P
Residential care home (≤6 persons)	P	P	P	P	P	P	--	--	--	--	--
Residential care homes (>6 persons)	UP	UP	UP	UP	UP	UP	--	--	--	--	--
Manufactured dwelling unit	P	P	P	P	P	P	--	--	--	--	--

Table 4-3: Residential Use Permit Requirements

Residential Use Type	R-10	R-12	R-15	R-20	R-40	R-40-H	M-R	M-R-M	M-R-H	LC	TCSP
Transitional and supportive housing	P	P	P	P	P	P	P	P	P	--	--
Single-room occupancy (SRO)	--	--	--	--	--	--	--	--	--	UP	--

P = permitted (by right)
UP = Use Permit
-- = not permitted
Source: City of Clayton Zoning Ordinance 2014

Accessory Dwelling Units

An accessory dwelling unit (ADU) is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. To encourage establishment of ADUs on existing developed lots, state law requires cities and counties to either adopt an ordinance based on standards set out in the state law or allow ADUs as a by-right use subject to development standards that reflect state requirements.

Beginning in 2017, the state legislature adopted a series of ADU laws that establish well-defined standards for the by-right (ministerial) approval of ADU applications. The City last updated its ADU regulations in 2004. Thus, current regulations, set forth in Table 4-4 (and called second units in the Zoning Ordinance), are outdated and do not reflect current State laws, particularly with regards to unit size, approval process, and setbacks. Because this is a constraint to constructing ADUs, ~~.~~ ~~The~~the City is ~~in the process of~~ currently drafting new regulations that reflect state law and anticipates adopting the new regulations ~~before the end of 2022~~in early 2023. A program calls for adopting the new regulations by March 2023.

Table 4-4: Second Unit Development Standards

Requirement	Description
Zoning Districts	Per Zoning Code Chapter 17.47 second dwelling units are allowed in all districts that allow single-family dwellings
Setbacks	Same as the principal structure unless located in a PD zone
Height	Attached units shall not exceed the principal structure height; detached units shall not exceed one story or 15 feet, whichever is less.
Parking	1 uncovered space per bedroom
Unit size	Units between 250 and 750 square feet (one bedroom) require ministerial review Units between 751 and 1,000 square feet maximum (up to two bedrooms) requires Planning Commission review
Architectural compatibility	Must incorporate similar or complementary architectural features as the principal and surrounding structures

Source: City of Clayton Zoning Ordinance 2014

Currently, applicants must pay a Planning Permit processing fee of $331 for staff-level administrative review of ADU applications. For ADU applications that require Planning Commission review, Planning Permit fees are based on staff cost with a minimum deposit of $1,000. The requirement for Planning

Commission review can be considered a constraint. The city plans to revise its ADU ordinance by the end of 2022 to remove this constraint and otherwise comply with state law.

The Contra Costa Water District (a special district public agency) charges a fee of approximately $24,125 for ADU's 5/8-inch water hookup (fees vary based on unit size). This connection fee, as well as other factors that include limitations on labor and supplies and increasing costs of construction, may be a constraint to the development of ADUs. Fewer than 10 ADU permit applications have been processed since the 2004 amendment of the Municipal Code.

To facilitate construction of ADUs in Clayton, a housing program calls for the City finalizing a pre-approved ADU plan program to encourage the construction of ADUs throughout the City. A program also calls for publicizing information regarding ADUs on the website and at the permit counter.

Residential Care Facilities

Residential care facilities or group homes for persons with disabilities are allowed in the city. Facilities for six or fewer persons are allowed by right in all residential districts pursuant to State Health and Safety Code Section 1566.3. Facilities for seven or more persons are considered a commercial use of property, are allowed with a use permit in accordance with Chapter 17.46 of the Zoning Ordinance, and must meet the following standards:

- The applicant must maintain an operating license from the applicable state and county agencies. The residential care home shall be located within a detached single-family dwelling.
- Sufficient off-street parking spaces shall be provided in addition to the required off-street parking to serve the dwelling.
- Signs are not allowed.
- Each residential care facility shall be located at least 1,000 feet from another such facility.
- The dwelling must comply with the Uniform Building Code and State standards for accessibility by disabled persons.

The separation requirement and additional off-street parking requirement are constraints to constructing residential care facilities for six or fewer persons, and requiring a use permit for facilities for seven or more persons is a constraint. A housing program calls for amending the zoning code to allow residential care facilities or group homes by right, subject to objective standards.

Employee Housing

In 2016, the City amended the Zoning Ordinance to define employee housing as housing defined in California Health and Safety Code Section 17008, as it may be modified. Employee housing for six or fewer persons is allowed by right in all single-family residential zones. A Use Permit is required for all single-family residences in multifamily residential zones, including employee housing. The City has one agricultural zone which allows for limited residential use for the owner, lessor or lessee of the land. Employee housing is not identified as an allowed use in the agricultural zone. This can be considered a constraint. A program calls for amending the zoning code to allow employee housing consisting of no more than 12 units or 36 beds to be permitted in the agricultural zone.

Manufactured Homes

In 2009, the City amended the Zoning Ordinance to allow manufactured housing on any residential lot subject to the standards applicable to site-built housing in accordance with state law. The Zoning Ordinance now treats manufactured housing as a single-family use type, includes a definition for manufactured housing, and allows manufactured housing on a permanent foundation by right in all single-family residential zones and subject to the same standards as ~~that allow for~~ single-family homes, ~~subject to~~ such as site plan and design review. Manufactured housing is not allowed in multifamily residential zones nor in mixed use zones that allow residential uses. Since manufactured housing may be constructed at a lower price point, leading to greater affordability, this is a constraint. A program calls for amending the zoning code to allow manufactured housing in all zones where residential land uses are allowed, subject to objective development standards.

Emergency Shelters

In compliance with California Senate Bill (SB) 2 (2007), the City amended its Zoning Ordinance in 2013 to define emergency shelters and allow them by right (without discretionary approval) in at least one zoning district. Emergency shelters are now an allowed use in the Public Facility (PF) district, subject to specific development and management standards, including but not limited to:

- Emergency shelters must be located a minimum of 300 feet from residential buildings and schools, and at least 300 feet from other shelters.
- The maximum number of beds in a single shelter is 10.
- Individuals may stay no longer than 180 consecutive days in a consecutive 12-month period.
- Off-street parking must be provided in the ratio of one space for every three beds plus one parking space per staff member per shift.
- The shelter must provide an operational plan to the Community Development Director.

Section 17.36.082 provides a comprehensive list of emergency shelter requirements. Six parcels in Clayton are zoned Public Facilities. The site identified as most viable for an emergency shelter is the north portion of a city-owned 4.73-acre property located at 6125 Clayton Road, which houses the community library. The site is directly served by public transit (a regional bus that connects to the Concord Bay Area Rapid Transit station), as well as services and public amenities. Approximately 1.5 acres of the site are available for development of an emergency shelter. The City has not had inquiries regarding the establishment of an emergency shelter on this property or other sites zoned PF.

In 2019, California Assembly Bill (AB) 101 established the requirement to allow Low Barrier Navigation Centers (LBNC) as a by-right use on properties zoned for mixed use and non-residential zones that permit multi-family uses. As of early 2022, the City had not yet amended the Zoning Code to reflect AB 101. A program has been included to do so.

Transitional and Supportive Housing

SB 2 (2007) requires that all jurisdictions define and allow transitional and supportive housing. Transitional facilities offer short-term housing (at least six-month stay) for persons of certain targeted populations (persons with AIDS, persons with mental or development disabilities, persons with chemical dependency,

etc.) Supportive housing looks to support similar populations with permanent housing that may have on- or off-site services linked to the housing.

The City amended its Zoning Ordinance in 2012 to define supportive housing and transitional housing and allow both as permitted uses in all residential zoning districts, subject only to the permit processing requirements as other similar use types in the same zone (site plan review, design review, etc.). The City requires a Use Permit for transitional housing in one mixed use zone that allows residential uses above commercial (LC - Limited Commercial zone). This can be considered a constraint. A program has been added to amend the zoning ordinance to remove this constraint.

Single-Room Occupancy Units

AB 2634 (2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. Housing elements must also identify zoning to encourage and facilitate housing for extremely low-income persons, of which two common types are supportive housing and single-room occupancy units (SRO).

Extremely low-income households typically include persons with special housing needs, including but not limited to persons experiencing homelessness or near-homelessness, persons with substance abuse problems, and persons with mental illness or developmental disabilities.

In 2012, the City amended its Municipal Code to explicitly define SRO housing as a type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have kitchen or bath facilities (but not both) in the room. The City allows development of SROs with a use permit in the LC zoning district with a use permit.

Accommodation of Persons with Disabilities

The city has taken significant steps to improve housing accessibility. In 2013, the City adopted a universal design ordinance to ensure that new housing is adaptable and accessible for persons with disabilities. In 2012, the City adopted a reasonable accommodations ordinance (Chapter 15.90 of the Municipal Code) to allow for variations in the application of zoning standards and policies to accommodate persons with disabilities; amended the Zoning Ordinance to define and allow supportive housing facilities as described above; and amended the definition of “family” to remove restrictions on the number of unrelated persons that may be considered a family.

The Municipal Code allows up to 30 days to process a reasonable accommodations request, which is a reasonable timeframe for a small city with a limited staff and high demands. The Community Development Director may approve reasonable accommodations, subject to a $216 fee for administrative review. If a reasonable accommodations request is part of a project that includes discretionary permits, the Planning Commission must review the request as part of the whole project, and fees are based on cost recovery like the accompanying discretionary permit application. The City’s fees align with the time and cost to review an application and is similar to the approach all jurisdictions must do to recover costs to provide services.

The findings to review reasonable accommodations requests align with State fair housing laws. For example, the requested accommodation must be requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws, provide one or more individuals with a disability

an equal opportunity to use and enjoy a dwelling, not impose an undue financial or administrative burden on the City, as defined in the fair housing laws, not result in a fundamental alteration in the nature of the City's Zoning Code, as defined in the fair housing laws, not result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

The City has not received reasonable accommodation applications in last two years. This is not considered a constraint.

In 2008, the City Council approved its Americans with Disabilities Act (ADA) Transition Plan. The plan included an evaluation of barriers for persons with disabilities and included steps to remove such barriers. The plan mandates that the City Community Development and Engineering departments periodically evaluate their procedures for land use permit processing and public participation to ensure that reasonable accommodations are made for individuals with disabilities and all are in compliance with Fair Housing laws. As a result of plan implementation, all City facilities, offices, and meeting rooms have been upgraded to be accessible and compliant with Title 24 Accessibility requirements, and the City has an ongoing program for installation of wheelchair-accessible ramps at street intersections.

The City has two special needs residential facilities that cater to persons with disabilities. In 1992, the City approved the Kirker Court development, which provides 20 units for persons with developmental disabilities. In 1999, the City approved the Diamond Terrace project, which created 86 units for seniors, many of whom have disabilities and require special accommodations in their housing units and other project facilities. The City, through its now defunct Redevelopment Agency, financially participated to support the establishment of both developments.

Additionally, “The Olivia” is a three-story housing project with 81 senior rental units which has been approved by the City and is currently under development. Since the majority of residents with disabilities are those aged 75 years and older, this housing project will likely serve many residents with disabilities. The City also offers reduced parking requirements for residential developments that serve seniors and persons with disabilities. The residential parking requirement for seniors or persons with disabilities is one parking space per dwelling unit, while standard single-family residential units require four parking spaces per unit.

Residential care facilities for seven or more persons requires a use permit in residential zones, and residential care facilities for six or fewer persons is subject to standards that are greater than a single family residence, such as increased parking and distance requirements from similar facilities. These are considered constraints. A program requires amending the zoning code to allow all residential care facilities in all residential zones, subject to objective development standards that are similar to single family residences.

In addition, ~~T~~the City will work to provide housing opportunities for persons and households with disabilities through coordination with housing providers and assistance with funding applications. The City will also continue to offer reasonable accommodations to ensure that City standards and policies do not impede housing opportunities for residents with disabilities. To facilitate construction of ADUs in Clayton, a housing program calls for the City finalizing a pre-approved ADU plan program to encourage the construction of ADUs throughout the City. The City has preliminarily designed six total plans, and the City anticipates one or more of the plans being universally designed to accommodate needs of all residents

including those with disabilities. Programs are included in the Housing Plan (Chapter 2) to address reasonable accommodations and universal design.

Density Bonus

The City amended its Zoning Ordinance in 2009 to add specific density bonus provisions to reflect then-current state law. Chapter 17.90 of the Municipal Code establishes a density bonus of up to 35 percent and a variety of incentives/concessions to promote affordable housing. Since 2009, the legislature has significantly amended density bonus law, which applies to Clayton irrespective of Zoning Ordinance provisions. A program has been included in the Housing Plan to ensure that City regulations continue to reflect current state density bonus law as it evolves.

Affordable Housing Plan

Chapter 17.92 (Inclusionary Housing Requirements) of the Zoning Ordinance sets forth requirements for provision of affordable housing within developments of more than 10 units. Per this Chapter, a minimum of 10 percent of the units must be built or created as affordable housing units for very low-, low-, or moderate-income households. In lieu of providing housing on site as part of a development project, a developer may: 1) provide housing off-site, with the percentage of units increasing to 16 percent; 2) pay an in-lieu fee established by City Council resolutions; or 3) dedicate land for construction of the affordable units.

The City has established the specific guidelines for the review and preparation of Affordable Housing Plans. These criteria do not present a constraint to the development of housing but help to ensure construction of housing affordable to households at a wide range of income levels. As described below, the City offers a variety of incentives to developers and will consider others not specifically listed.

The Affordable Housing Plan must be submitted and approved in conjunction with the earliest stage of project entitlement, and in no case later than City approval of the primary land use entitlement and/or a development agreement. The Affordable Housing Plan must include:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate, and above moderate-income households (the City desires that at least five percent of all project units be affordable to very low-income households and at least five percent of all project units be affordable to low-income households)
- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors.
- Program options within Affordable Housing Plans may include, but are not limited to:
    - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of accessory dwelling units, corner units, half-plexes, duplexes, cottages, creative alternative housing products, etc.)
    - Land dedication (on-site and off-site)
    - Payment of in-lieu fees
- The timing for completion of affordable housing obligations.

At the City Council's discretion, land or other contributions provided by developers as specified within Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners

to provide affordable housing opportunities to all income levels throughout the community. The General Plan states that the City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income. However, this policy directive has not been pursued.

To ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Incentives may include, but are not limited to:

- Density bonuses
- Fee waivers or deferrals (as reasonably available)
- Expedited processing/priority processing
- Reduced parking standards
- Technical assistance with accessing funding
- Modifications to development standards (on a case-by-case basis)

The size of property, the surrounding land uses, the purchase price of the real property, and current market conditions (i.e., competition) are all factors that may be considered in the preparation of proposed Affordable Housing Plans. Each development project is unique, as are the incentives and specific affordable housing requirements applied. The flexibility of this "menu approach" allows the City and developer to agree to terms that meet the intent of providing affordable housing while ensuring that the proposed development remains feasible.

Development Standards

Table 4-5 summarizes the development standards for residential zoning districts. While the Zoning Ordinance establishes the minimum lot areas for the three zones as shown in the table, Section 17.20.030 (Permitted Uses-Principal) states as allowable uses: "Duplex, triplex, townhouses, apartments and other multifamily structures meeting and not exceeding the density limits set by the applicable General Plan Land Use Designation." However, the M-R-M zone allows up to 24.2 units per acre, creating a zoning/General Plan inconsistency. The M-R-H zone, which has no corresponding General Plan land use designation, allows up to 43.6 units per acre. No properties are zoned M-R-H—although one parcel in the Town Center has a comparable multifamily residential high density land use designation—and the lack of an equivalent General Plan designation means a property owner would need to apply for a General Plan text amendment in conjunction with a rezoning request to implement the M-R-H zone. This is a constraint to development. The Housing Element contains a policy calling for amending the General Plan land use map to designate housing inventory sites for affordable housing as Multifamily High Density.

Chapter 17.78 of the Zoning Ordinance limits lot coverage size establishing the maximum building size and building footprint depending on lot size. This could also be a constraint to the size of structures that can be developed~~ment~~ depending on ~~building and~~ lot size. However, the limits do not constrain development.

The PD zone allows small lot and zero lot line development at densities that correspond to the underlying General Plan land use designation. However, the PD permit approval process requires review by both the Planning Commission and City Council, and the PD expires after 18 months, which imposes time and cost burdens on applicants. The PD permit approval process also requires Planning Commission approval of a development permit, subsequent to the PD approval. This process may be considered a constraint on

development. A housing policy calls for the City to streamline the PD approval process, including allowing for Planning Commission approval.

The setback requirements for all zones reflect the general low-intensity character of Clayton ~~and are not considered constraints on development~~. However, the interior side yard setback for multi-family residences is 15 feet, whereas smaller lot single family residential zones require a 10-foot side yard setback. In the multi-family residential zones, all buildings must be set back 20 feet from each other. This is a constraint on development. A housing program calls for decreasing the interior side yard setback requirements for multi-family residences to 10 feet.

In the M-R zone, the lot coverage limit for a small lot single-family development is 25 percent, which is limiting. The lot coverage requirements in the higher density zones comport with those found in other cities and do not constrain development.

In the M-R zone, 25 percent of the lot must be landscaped and may not be developed with structures, parking, or pavement. In the M-R-M and M-R-H zones, the requirement is 20 percent. There is no correlating requirement in the single-family residential zones. The open area requirement may constrain development. A housing program calls for amending the zoning code to reduce the landscaping requirement for the multifamily residential zones.

Height limits of 35 feet generally apply to all residential zones, but buildings are limited to 20 in the M-R zone adjacent to a single-family zone. This is inconsistent with the 35-foot limit allowed in an adjacent single-family zone and limits the ability to achieve maximum density in the M-R zone. This is a constraint to development. A housing program calls for amending the zoning code allow a maximum 35-foot allowable building height in height in the M-R zone within 50 feet of an abutting single-family residential district.

Developable acreage used to calculate density may not include sensitive lands, as defined by the Clayton Municipal Code. Sensitive lands include areas within the 100-year floodplain, land or slopes exceeding 26 percent, creeks, streams, and associated setback requirements in the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan, rock outcroppings, wetlands as defined by the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan, land containing species of endangered plants that have been identified as a no-take species as defined and determined by the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan, and any other similar features as determined by the Planning Commission. While the municipal code excludes sites designated in the General Plan for multiple family residential development, the code references the previous Housing Element cycle. To address this constraint to development, a program has been added to the Housing Element stating the City will amend the Municipal Code to exclude all parcels listed as housing opportunity sites in the most recent Housing Element.

No other constraints exist relative to development standards. For example, there are no minimum unit size requirements in Clayton, and the allowed height and floor area ratios (FAR) are on par with similar and nearby jurisdictions. While the City does not have an ordinance regulating short-term rentals (STRs), the City has found STRs are not prevalent in Clayton and there is no evidence that indicates STRs are impacting the availability of housing. With the programs identified above and programs that follow, housing can be expected to achieve the maximum densities allowed.

Table 4-5: Residential Development Standards

District	Min. Lot Area per Dwelling	Setback: Front Yard (min.)[5]	Setback: Rear Yard (min.)	Setback: Side Yard (min./ aggregate)[1]	Height (max.)	Lot Coverage (max.)	Open Space (min.)
R-10	10,000 sf	20 ft	15 ft	10/20 ft	35 ft	None	n/a
R-12	12,600 sf	20 ft	15 ft	10/25 ft	35 ft	None	n/a
R-15	15,000 sf	20 ft	15 ft	10/25 ft	35 ft	None	n/a
R-20	20,000 sf	25 ft	15 ft	15/35 ft	35 ft	None	n/a
R-40	40,000 sf	40 ft	15 ft	20/40 ft	35 ft	None	n/a
R-40-H	40,000 sf	40 ft	15 ft	20/40 ft	35 ft	None	n/a
M-R[4]	6,000 sf (3,000 sf/unit)	20 ft	15 ft	15 ft/20 ft	35 ft, 20 ft[2]	25% or 40%	25%
M-R-M	6,000 sf (1,800 sf/unit)	20 ft	15 ft	15 ft/20 ft	35 ft	50%	20%
M-R-H	9,000 sf (1,000 sf/unit)	20 ft	15 ft	15 ft/20 ft	40 ft, 35 ft[2]	65%	20%
PD	Underlying GP designation	n/a	n/a	n/a	n/a	n/a	20%[3]

Source: City of Clayton Zoning Ordinance 2022

[1]Standards shown are for interior lots. Refer to the Zoning Ordinance for side yard standards for corner lots.

[2]Twenty feet when District abuts (within 50 feet) any single-family residential district.

[3] Affordable housing projects may be allowed to provide less than 20 percent of the project site as open space subject to approval by the Planning Commission.

[4] Lot coverage in M-R zone depends on density, with General Plan requirements set at 25% for Single Family High Density and 40% for Multifamily Low Density.

[5] In high density zone, side setback on corner lot is 20 feet.

sf = Square Feet

Parking

New residential development is required to provide parking as shown in Table 4-6.

Table 4-6: Residential Parking Requirements

Requirement	Description
Single-family	4 per unit (2 must be fully enclosed and 2 may be tandem)
Small lot, single-family (<4,000 sf net lot area, Multifamily General Plan Designation)	2 per unit (1 must be covered and 1 may be tandem), 0.5 guest spaces per unit
Duplex	2 per unit (1 must be covered and 1 may be tandem), 0.5 guest spaces per units
Multiple-family Studio	 1 per unit (covered)

Table 4-6: Residential Parking Requirements

Requirement	Description
1-bedroom 2+ bedroom Guest Parking	1.5 per unit (1 must be covered) 2 per unit (1 must be covered) 0.5 per unit
Group residential	1 per sleeping room plus 1 per 100 ft of assembly or common sleeping areas

Source: City of Clayton Zoning Ordinance 2014

The parking requirements for single-family development exceed those typically used in other cities, which generally require two spaces and sometimes more for units with 5+ bedrooms. For multiple-family developments, the requirement for covered spaces adds construction costs and may be considered a constraint on development. A housing program calls for revisiting the parking requirements for single family residential uses to base parking requirements on bedroom county and revising the parking standards for multifamily residential uses to eliminate covered and guest parking.

The parking requirements may be reduced for projects zoned PD (e.g., Oakhurst provides only 1.5 parking spaces for its zero lot line units) with a supporting parking analysis and may be reduced for Affordable Housing Opportunity sites with a supporting parking analysis. Affordable Housing Opportunity Sites are determined to be appropriate for affordable housing development due to their size and proximity to services and amenities. These sites are not required to be developed as affordable housing, but it is strongly preferred, and affordable housing units will be incentivized through increased density, design flexibility, priority processing, and funding application assistance.

Growth Management Program (Measures C & J) In 1988, Contra Costa County voters approved a half-cent sales tax to fund a transportation improvement and growth management program (Measure C). This program addresses congestion problems by funding transportation improvement projects and establishing a process involving all cities in Contra Costa County, including Clayton, to cooperatively manage the impacts of growth. In 2004, over two-thirds of Contra Costa County voters passed Measure J, which extended the previous Measure C for another 25 years to 2034. Similar to Measure C, Measure J aims to assure that future residential business and commercial growth pays for the facilities required to meet the demands resulting from that growth. Compliance with the Measure J Growth Management Program is linked to receipt of Local Street Maintenance and Improvement Funds and Transportation for Livable Community Funds from the Contra Costa Transportation Authority (CCTA), the congestion management agency for Contra Costa County.

The overall goals of the program are to relieve traffic congestion created by past development through road and transit improvements funded by the sales tax increase and to prevent future development decisions from resulting in the deterioration of services. To be eligible for sales tax funds, the Growth Management Program requires that each participating city and town and the County take several actions including:

- Adopting a Growth Management Element of the General Plan to address the impacts of growth
- Committing to managing congestion by adopting and applying traffic service standards to ensure that new development will not significantly worsen traffic on streets, roads, and regional routes

- Reducing dependency on the single-occupancy automobile through use of transportation systems management for each jurisdiction's large employers or an alternative mitigation program for areas that are primarily residential in character
- Ensuring that new development pays its own way through mitigation and fee programs
- Reducing the number and length of automobile commute trips by addressing housing options and job opportunities at the local, regional, and countywide level
- Adopting a Housing Element certified by the California Department of Housing and Community Development

CCTA is responsible for ensuring that these objectives and requirements are met. Periodically, it evaluates whether each city, town, and the County is participating fully, based on a compliance checklist. Each year that a jurisdiction is found to be in compliance with the Growth Management Program, the jurisdiction receives a share of the local sales tax increase that will be used for local street improvements and related activities.

In 1992, Clayton adopted the Growth Management Element of the General Plan pursuant to the requirements of Measure C. This element establishes goals, policies, and standards for traffic service and other public facilities and services. The City adopted an update to the Growth Management Element in 2011 (Resolution No. 13-2011) following approval of Measure J. Consistent with Policy 1d of the Growth Management Element and the Measure J Growth Management Plan, the City requires developers of development projects estimated to generate over 100 peak hour vehicle trips to provide the City with a traffic impact study consistent with the Technical Guidelines published by CCTA. Measure J also requires jurisdictions to demonstrate progress on providing housing opportunities by comparing the number of units approved within the previous five years with the number of units needed to meet the objectives established in the jurisdiction's Housing Element. It further requires each city to periodically certify it has not violated its Urban Limit Line (ULL) boundary and accompanying regulations for orderly growth to be eligible for receipt of Measure J funds.

Measure J eliminates the previous Measure C requirements for local performance standards and Level of Service (LOS) standards for non-regional routes. However, the City of Clayton carried forward into its 2011 Growth Management Element update the LOS standards for non-regional routes, as well as performance standards for fire, police, parks, sanitary, water, and flood control, as each could continue to play a decisive role in assessing the impacts of proposed new development. Measure J also adds the requirement for adoption of a voter-approved ULL.

The adopted Growth Management Element does not restrict the number of new homes that can be built in Clayton. The element intends to use the increased tax revenue for transportation improvements to ensure that development and growth are orderly and not restricted. Measure J requires that the City monitor progress toward meeting Clayton's housing objectives. The City has determined that its Growth Management Element does not constrain the maintenance, improvement, or development of housing for all income levels.

DEVELOPMENT PROCESSING PROCEDURES, STANDARDS, AND FEES

Permit Processing Procedures

Housing development projects proposed in Clayton are subject to one or more of the following review processes or permits: environmental review, zoning, subdivision review, planned development permit, site plan review, use permits, and building permits.

The city does not have an in-house building department; it contracts with the Contra Costa County Building Inspection Division to administer its building permit process. To proceed with a residential development, the developer first obtains the required project specific development entitlement approvals from the City. The developer then submits construction plans to the city for zoning compliance review and applies for sewer and water service.

The City of Concord provides contracted sewer service in Clayton. The Contra Costa Water District, an independent special district public entity, provides water service. Once the developer has obtained entitlement, zoning compliance, and utilities connection approvals, the developer submits plans to the County Building Inspection Division for plan check and a building permit. The County also provides building inspection services and grants certificates of occupancy for the project.

The City created and offers a development handbook that provides applicants with an overview of its development approval process. The handbook is available on the City's website. The guide is intended to minimize uncertainty in the process and reduce the time applicants spend seeking development approval. The Clayton Community Development Department also encourages no-cost pre-application meetings so that city staff can provide assistance and direction to applicants prior to application review. Staff has found that the pre-application meetings reduce the time spent approving development applications.

The City does not have written procedures for the SB 35 Streamlined Ministerial Approval Process. A program calls for creating written procedures.

Permit Processing Time Frames

Table 4-7 shows typical permit processing times. Typical processing times include both discretionary and non-discretionary permit processing times and account for the time required to obtain permits from both Contra Costa County and the city. For example, a "typical" development project such as a new single-family residence or residential addition that does not require environmental review but requires a use permit and/or site plan review from the city and a building permit from Contra Costa County could take 12 weeks to process (eight weeks for the use permit and site plan review, which could be processed concurrently, and four weeks for a building permit).

The city's permit processing procedures include an assessment of the potential environmental impacts of the proposed project. If a project requires environmental review, additional processing and time is required. State law under the California Environmental Quality Act (CEQA) mandates these review procedures. Many environmental regulations have protected the public from significant environmental degradation, prevented development of certain projects on sites not well suited for the development proposed, and given the public opportunity to comment on project impacts. This process does, however, increase the time needed for approval of a project and adds to its cost.

A single-family residential subdivision requires approval of a Tentative Subdivision Map. A multifamily project requires the approval of a Development Plan Permit. Tentative Subdivision Maps require Planning Commission approval, and multifamily projects with a Planned Development ~~Both proposals~~ require actions by the Planning Commission and the City Council. If the level of environmental review is a negative declaration (ND) or a mitigated negative declaration (MND), then the typical processing time is six to nine months from the time an application is deemed complete. If the level of environmental review is an environmental impact report (EIR), then the typical processing time, from the time the application is deemed complete, is approximately 12 to 16 months.

Table 4-7: Typical Permit Processing Times

Type of Application	Estimated Processing Time* (following formal acceptance)
General Plan Amendment	20-26 weeks
Rezoning	20-26 weeks
Use Permit	6-10 weeks
Variance	6-10 weeks
Planned Development	20-26 weeks
Subdivision (Tentative Map)	20-26 weeks
Subdivision (Final Map)	Varies
Site Plan Review	6-10 weeks
Zoning Review (city staff)	1-2 weeks
Building Permit (County Building Inspection Division)	2-4 weeks

Sources: City of Clayton, Contra Costa County

**These times assume environmental review is not required and that the application is deemed complete.*

Planned Development Districts

A Planned Development (PD) district requires a separate Planned Development Permit. The permit request must meet the requirements set forth in Chapter 17.28 of the Clayton Municipal Code and must be approved by the City Council. An approved PD district provides applicants with flexibility in land use controls, including residential land use controls.

To facilitate multi-family development on PD sites, in 2014 the city amended the PD zoning district standards to allow multi-family developments with a General Plan land use designation of Multi Family High Density (MHD) to be processed with only site plan review (rather than development plan review as was previously required) if applicants choose to adhere to M-R-H zoning district development standards. This change was intended to create a more predictable path for development on sites designated MHD.

The PD district provides developers with the flexibility to accommodate projects on sites that are constrained by various physical factors such as flooding, slopes, restricted access, or cultural resources. The development plan process allows creativity in the application of various standard development requirements including setbacks, height limitations, lot coverage, vehicular access, parking, and architectural design. Since development plans may involve the relaxation of various standards, Planning Commission and City Council review is required. The standards of review are listed in the Zoning Ordinance and focus upon ensuring that a better development would result than would occur with a non-flexible zone and ensuring protection of usable and natural open areas.

Site Plan Review

Site plan review is required for new single-family dwellings, multi-family dwellings, and certain types of residential additions. Typically, the process is initiated by staff meeting with the applicant to review the project. The applicant submits an application and the processing fee/deposit. Neighboring property owners are notified and a staff report is prepared. The Planning Commission reviews the project at a public hearing to examine compatibility with surrounding residences, solar rights, privacy, safety, and views. The site plan review process takes approximately six to eight weeks. Following site plan approval, the applicant submits construction drawings for an initial zoning conformance review by the Community Development Department staff and then to the County Building Inspection Division.

While the site plan review process includes specific objective design criteria against which residential development proposals are reviewed, the public hearing process adds time and application processing costs that contribute to housing costs. This process may be considered a constraint on housing development to the degree that it adds costs and delays. A program has been included to streamline the site plan review process for housing development.

Design Review

Residential development projects in Clayton are subject to a design review process that is a component of the site plan review process. The City does not require specific findings to be made for reviewing a project's design. In addition, the design review process cannot be used to reduce density or increase development requirements in a way that has the effect of increasing density or in a way that prevents a project from being constructed, consistent with State law. The design review ~~This~~ process ensures that new residential development is compatible with surrounding residences and protects the solar rights, privacy, safety, and views of existing development. The requirements for design review are described in the Town Center Specific Plan, the Marsh Creek Road Specific Plan, the Zoning Ordinance, and the General Plan. These documents are described as follows:

- *Marsh Creek Road Specific Plan*: The Marsh Creek Road Specific Plan contains design and development standards that require designers and builders to retain and enhance the character of the planning area as it develops. The guidelines address site planning, creek corridors, ridgeline and hillside protection, streetscape and landscape architecture, residential architecture, energy and resource conservation, and commercial development.
- *Town Center Specific Plan*: The Town Center Specific Plan contains design guidelines that provide guiding principles rather than strict requirements to ensure flexibility in meeting the intent of the guidelines. The guidelines address several topics such as site design, architectural character, landscape character, preservation of historic buildings, relationship of new to existing development, parking, and signage.
- *General Plan*: The General Plan contains a Community Design Element with objectives, policies, and implementation measures that address overall community design, scenic highways, and design standards for the Town Center.
- *Zoning Ordinance*: The Zoning Ordinance protects solar rights, privacy, safety, and views of existing development through height and setback restrictions.

Amendments to the State Housing Accountability Act, as well as other laws enacted to facilitate housing production, have affirmed the state legislature's intent to ensure jurisdictions use an objective process to review whether a proposed housing development application complies with local standards.

The City's design review process has been formulated to ensure that new residential development preserves basic objective aesthetic principles and does not allow conditions to be placed on the project that would lower the density or make the project financially infeasible. The City has not yet thoroughly assessed whether the standards applied meet the requirements of current State law. A program has been included to establish objective design standards for multifamily residential and qualifying mixed-use developments under State law.~~move this review and any required code amendments forward.~~

CONSTRUCTION AND HOUSING CODES

Like all jurisdictions in California, the City requires that developers adhere to building code regulations contained in the California Building Code, which is updated every two years. Clayton does not have its own building department; it contracts with the Contra Costa County Conservation and Development Department, Building Division for building plan check services. No unusual or unique building code provisions apply to residential development. Thus, these codes do not pose any constraint on housing development.

On- and Off-Site Improvement Requirements

The city requires installation of on- and off-site improvements to ensure adequate provisions are made for safe traffic movement, utility services, and desired community amenities. Improvements typically include streets, curbs, gutters, sidewalks, and utilities, and amenities such as landscaping, fencing, street lighting, open space, and park facilities. Additional improvements can include:

- Road improvements, including construction of sections of roadway, medians, sidewalks, bicycle lanes, and street lighting
- Drainage improvements, including improvement to sections of channels, culverts, swales, stormwater quality treatment basins and pond areas (Contra Costa County Flood Control District [CCCFCD] requirements)
- Wastewater collection and conveyance facilities (Contra Costa Sanitary District [CCSD] requirements);
- Water system improvements, including pipelines and storage tanks (Contra Costa Water District [CCWD] requirements)
- Public facilities for fire, school, and recreation

The type of improvements required depends upon the improvements that exist prior to development. If, for example, a vacant lot is improved with curbs, gutters, and sidewalks, then the developer is not required to reinstall those improvements. All typical improvements discussed above are required for residential development if they are absent prior to development.

Typically, on- and off-site improvement costs are passed on to the homebuyer or renter as part of the final cost of the home. Clayton does not require on- and off-site improvements beyond what is typically required in other jurisdictions and therefore does not consider these improvements to be a constraint to the development of housing for all income levels.

The Housing Element would accommodate a significantly higher population (2,364 persons) than the estimates contained in CCWD's most current (2020) Urban Water Management Plan (UWMP; 530 persons). The projected population increase estimated in the CCWD UWMP is from 2025 to 2045, whereas the Housing Element estimates apply only through 2030. Under five~~5~~-year drought conditions, the UWMP also projects an undersupply of water, compared to demand, after 2030. The Bay Area is already experiencing that level of drought; therefore, water demand will need to be reduced to accommodate the housing that can be accommodated with the Housing Element, or water supply expansion will likely be needed. While this may be considered a constraint, lack of water supply affects all of the areas CCWD serves, which includes the majority of central and northeastern Contra Costa County. In addition, inadequate water supply is a statewide issue since water in the service area is primarily drawn from the Sacramento-San Joaquin Delta, which originates in the Sierra Nevada mountains and flows through the Sacramento and San Joaquin rivers into the Sacramento Delta. As a result, water supply is not considered a local constraint to housing production in Clayton. Nonetheless, water conservation measures will be necessary for all projects that increase water demand beyond the water supplies CCWD can accommodate.

The City (under contract to the City of Concord) conveys wastewater via existing infrastructure to the Central Contra Costa Sanitary District (CCCSD) Treatment Plant near Martinez for treatment and discharge to surface waters or reuse as recycled water. The CCCSD Treatment Plant has a treatment capacity of approximately 54 million gallons per day (mgd) and approximately 270 mgd of wet-weather flow. The CCCSD currently collects and treats an average of approximately 34 mgd and up to 230 mgd during extreme storm events. The CCCSD Treatment Plant is projected to treat 41 mgd average daily ~~dryweather~~dry weather flow by 2035.

The Housing Element's estimated population increase (up to 2,364 persons) would generate an additional 236,400 gallons of wastewater per day, or 0.24 mgd per day, based on the CCCSD Waste Master Plan (WMP). This represents 0.4 percent of the estimated 54 mgd dry weather flow capacity of the Treatment Plant. The projected population increase estimated in the CCCSD WMP is similar to the projections in ABAG's 2020 Plan Bay Area. Although the CCCSD WMP projections do not specifically take into account the Housing Element's estimated population increase for 2022-2030, it is unlikely the sewage demands of future development under the Housing Element would exceed the capacity of the CCCSD treatment plant. Therefore, no constraint exists.

CONSTRUCTION AND HOUSING CODES

CODE ENFORCEMENT

The City has a small Code Enforcement team. Code Enforcement staff receives and follows up on complaints from residents and business owners about matters regarding poorly maintained properties, including foreclosed properties; ill-kept landscaping; and boats recreational vehicles illegally parked within public view on private properties. Enforcement practices include verbal contacts, written courtesy notices, and formal notices of violation. These efforts help maintain the quality and appearance of properties in Clayton. Code Enforcement staff coordinates as needed with other local agencies, including representatives from the Contra Costa County Building Department, the Clayton Police Department, the

Housing Authority of Contra Costa County, the Contra Costa County Mosquito and Vector Control District, and the Environmental Health Department of Contra Costa County.

Building Code

The City contracts with the Contra Costa County Building Inspection Division to provide building plan check, inspection, and occasional code enforcement services related directly to construction projects or matters of health and safety. Table 4-8 shows the construction and housing codes adopted and administered by Contra Costa County for Clayton. These codes are life and safety provisions that apply to housing throughout California and affect cost of housing equally.

Table 4-8: Construction and Housing Codes

Code Section	Title	Remarks
15.01	Construction Regulations	Applied to all development and thus not an unusual cost
15.02	Uniform Building Code with Amendments, 2013	Applied to all development and thus not an unusual cost
15.03	California Electric Code Amendments, 2013	Applied to all development and thus not an unusual cost
15.04	California Plumbing Code with Amendments, 2013	Applied to all development and thus not an unusual cost
15.05	California Mechanical Code with Amendments, 1997	Applied to all development and thus not an unusual cost
15.06	Uniform Housing Code with Amendments, 1997	Applied to all development and thus not an unusual cost
15.07	Building Security Construction Codes	Applied to all development and thus not an unusual cost
15.08[1]	Sign Provisions	Generally does not apply to housing development
15.09	California Fire Code with Amendments, 2013	Applied to all development and thus not an unusual cost
15.56	Moving Buildings regulations	Applied to all development and thus not an unusual cost
15.58	Flood Damage Prevention practices	Applied to all development and thus not an unusual cost
15.60	Grading Rules	Applied to all development and thus not an unusual cost
15.70[1]	Tree Protection regulations	No major impacts on the cost of housing
15.80	Project Construction & Demolition Debris Recycling regulations	No major impacts on the cost of housing, although cost savings from recycling material may provide a cost savings for construction which would be passed along to tenants

Table 4-8: Construction and Housing Codes

Code Section	Title	Remarks
15.90	Reasonable Accommodation	Provide greater flexibility in providing housing for persons with a disability
15.92	Universal Design	No major impacts on the cost of housing and will provide a housing stock that is accessible to disabled persons
Part 11, Title 24	CalGreen Green Building Code, 2013	Will reduce the demand for household energy and therefore decrease the cost of maintaining a household
Title 16	Land Development and Subdivision	Applied to all development involving subdivision of land and creating additional lots or parcels and thus not an unusual cost

Source: City of Clayton, County Building Inspection Division, and County Fire Protection District
Notes: 1. Typically not required for residential developments

DEVELOPMENT FEES

The City collects development fees to help cover the costs of permit processing and environmental review. As shown in Table 4-9, Community Development Department fees are billed at the cost per hour per employee. Fees collected by the City in the review and development process cannot and do not exceed the City's costs for providing these services. Applicants must submit a deposit in the specified amount upon submittal of an application.

Table 4-9: Community Development Department Fee

Item	Fee
Annexation	Staff time billed on a time and materials basis, $5,000 minimum deposit
General Plan amendment	Staff time billed on a time and materials basis, $5,000 minimum deposit
Pre Zoning	Staff time billed on a time and materials basis, $5,000 minimum deposit
Rezoning	Staff time billed on a time and materials basis, $5,000 minimum deposit
Zoning Ordinance amendment	Staff time billed on a time and materials basis, $5,000 minimum deposit
Site Plan Review Permit (initial permit or amendment)	Staff time billed on a time and materials basis, $1,000 minimum deposit
Development Plan	Staff time billed on a time and materials basis, $5,000 minimum deposit
Environmental Impact Report (EIR) Mitigated Negative Declaration (MND) Negative Declaration (ND)	Staff time billed on a time and materials basis, $5,000 minimum deposit Staff time billed on a time and materials basis, $2,500 minimum deposit

Table 4-9: Community Development Department Fee

Item	Fee
	Staff time billed on a time and materials basis, $1,500 minimum deposit
Use Permit – Residential – Planning Commission Review	Staff time billed on a time and materials basis, $1,000 minimum deposit
Second Dwelling Unit Permit – administrative review	$331
Tree Removal Permit – admin. Review without notice Tree Removal Permit – admin, review with notice Tree Removal Permit – Planning Commission review	$12/ tree (minimum $40) $60/ tree (minimum $132) Staff time billed on a time and materials basis, $500 minimum deposit
Variance (residential)	Staff time billed on a time and materials basis, 1,000 minimum deposit
Appeal – administrative decisions	$65
Appeal – residential Planning Commission decisions	$331
Tentative Subdivision Map application	Staff time billed on a time and materials basis, $2,000 minimum deposit
Parcel Map application	Staff time billed on a time and materials basis, $2,000 minimum deposit
Lot line adjustment	Staff time billed on a time and materials basis, $1,000 minimum deposit
Lot merger	Staff time billed on a time and materials basis, $2,000 minimum deposit
Habitat Conservation Plan	Staff time billed on a time and materials basis, $1,000 minimum deposit

Source: City of Clayton FY 20-21 Master Fee Schedule, per City Council Resolution. No. 56-2020
Note: Fees may be adjusted (some are linked to increases based on the Consumer Price Index).

The City and applicable districts collect development impact fees for the provision of services such as water, sewers, storm drains, schools, and parks and recreation facilities. These fees are generally assessed based on the number of units in a residential development, with the exception of the school district fee collected by the Mount Diablo Unified School District (MDUSD), which determines permit fees based on building square footage. Fees charged for building permits are based on the construction values as prescribed by the Uniform Building Code. Table 4-10 shows a summary of development fees for three scenarios of residential development projects that might occur in the city.

Table 4-10: Clayton Development Fees

MIG

CITY OF CLAYTON, CA

Site Information	Single Family			Multifamily - Large			Multifamily - Small		
	Unit S.F.		3100	Unit S.F.		800	Unit S.F.		800
	# of Units		1	# of Units		100	# of Units		10
	Valuation		$404,798.00	Valuation		$9,637,600.00	Valuation		$963,760.00
Fee Classification	**Multiplier**	**Per**	**Cost**	**Multiplier**	**Per**	**Cost**	**Multiplier**	**Per**	**Cost**
Entitlement Fees									
Site Plan Review Permit	$1,000.00	Dep	$1,000.00	$1,000.00	Dep	$1,000.00	$1,000.00	Dep	$1,000.00
Development Plan	$5,000.00	Dep	$5,000.00	$5,000.00	Dep	$5,000.00	$5,000.00	Dep	$5,000.00
Residential Use Permit			N/A	$1,000.00	Dep	$1,000.00	$1,000.00	Dep	$1,000.00
TOTAL ENTITLEMENT FEES			**$6,000.00**			**$6,000.00**			**$6,000.00**
Building Fees									
Construction and Demolition Recycling	$172.00	Set	$172.00	$346.00	Set	$346.00	$346.00	Set	$346.00
Management Plan Deposit	$1.00	SF	$3,100.00	$1.00	SF	$80,000.00	$1.00	SF	$80,000.00
TOTAL BUILDING FEES			**$3,272.00**			**$80,346.00**			**$80,346.00**
Impact Fees									
School District Fee	$4.08	SF	$10,608.00	$4.08	SF	$326,400.00	$4.08	SF	$32,640.00
Childcare Facilities	$205.00	Unit	$205.00	$205.00	Unit	$20,500.00	$205.00	Unit	$2,050.00
Offsite Arterial Street Improvements	$1,456.00	Unit	$1,456.00	$1,019.00	Unit	$101,900.00	$1,019.00	Unit	$10,190.00
Fire Development Protection	$300.00	Unit	$300.00	$200.00	Unit	$20,000.00	$200.00	Unit	$2,000.00
Community Facilities Development	$450.00	Unit	$450.00	$125.00	Unit	$12,500.00	$125.00	Unit	$1,250.00
Parkland Dedication	$2,569.00	Unit	$2,569.00	$1,666.00	Unit	$166,600.00	$1,666.00	Unit	$16,660.00
SWPPP	$5,000.00	Dep	$5,000.00	$5,000.00	Dep	$5,000.00	$5,000.00	Dep	$5,000.00
TOTAL IMPACT FEES			**$20,588.00**			**$652,900.00**			**$69,790.00**
TOTAL PROJECT FEES			**$29,860.00**			**$739,246.00**			**$156,136.00**

As presented in Table 4-10, a developer can expect to pay roughly $20,558 in impact fees for the construction of a 3,100-square-foot single-family home and $69,790 for a small multi-family development of ten 800-square-foot units. Note that totals do not include planning fees, which vary based on the level of review needed and actual time needed to process an application.

In 2022, the Contra Costa County Consortium undertook a fee study as part of a regional effort to assist cities with preparation of their housing elements. Table 4-11 shows the typical fees charged by city for an approximate 3,100-square-foot single-family home, a 100-unit apartment complex, and a 10-unit apartment complex.

Table 4-11: Development Fees in Contra Costa County Cities

Jurisdiction	Single-Family Residential	Multi-family Residential - 100 Units	Multi-family Residential - 10 Units
Antioch	$22,146.24	$813,910.78	$103,950.44
Danville	$62,489.24	$3,336,919.50	$347,075.68
Lafayette	$68,946.25	$3,132,049.61	$370,969.49
Hercules	$64,064.99	$2,967,385.44	$316,813.89
Clayton	$39,160.00	$1,669,246.00	$249,136.00
Pinole	$56,665.77	$2,277,370.79	$216,977.21
Brentwood	$113,158.84	$4,766,295.73	$494,143.76
Concord	$47,248.07	$1,765,845.76	$237,264.81
El Cerrito	$57,356.24	$2,927,768.15	$440,729.35
Moraga	$85,109.56	$4,101,720.20	$434,941.60
Martinez	$58,701.86	$2,468,768.76	$271,214.92
Oakley	$70,088.22	$3,572,169.38	$328,874.26
Orinda	$64,627.76	$3,347,953.50	$376,137.59
Pittsburg	$60,830.46	$3,198,202.86	$331,402.52
Pleasant Hill	$30,927.67	$1,670,408.38	$177,477.61

Table 4-11: Development Fees in Contra Costa County Cities

Jurisdiction	Single-Family Residential	Multi-family Residential - 100 Units	Multi-family Residential - 10 Units
Richmond	$45,694.42	$2,301,117.22	$238,344.58
San Pablo	$29,498.69	$674,051.76	$82,452.38
San Ramon	$100,495.59	$3,318,772.28	$340,120.27
Walnut Creek	$31,004.88	$1,507,627.70	$168,649.32

Source: MIG, Inc.

As Table 4-11 shows, development fees in Clayton are generally lower than typical fees charged by other cities in the County, lower than nearby Pittsburg and Concord, for example. ~~with o~~Only Antioch, San Pablo, and Walnut Creek, for example, have~~ing~~ lower fees for single-family homes. A large portion of the total fees associated with residential development in the city is for water connections, which are provided by the Contra Costa Water District (special district) for jurisdictions located in Contra Costa County. The city also relies on the County's Building Inspection Division for building permit, plan review, and inspection services. The pre-application meetings and application referral process can assist with expediting the permit review period at the County level.

NON-GOVERNMENTAL CONSTRAINTS

The availability and cost of housing are significantly influenced by market factors in the Bay Area over which local government has little or no control. State law requires that the Housing Element provide a general assessment of these constraints. This assessment can serve as the basis for actions which local governments might take to offset the effects of such constraints. The primary market constraints to the development of new housing are the costs of constructing and purchasing new housing. These costs can be broken down into three categories: land, construction, and financing. For the most part, housing cost components in Clayton are comparable to those in other parts of the Bay Area. During the COVID-19 pandemic, supply chain issues resulted in regional and statewide increases in materials costs.

LAND COSTS

Costs associated with the acquisition of land include the market price of raw land and the cost of holding land throughout the development process. These costs can account for as much as half of the final sales prices of new homes in very small developments or in areas where land is scarce. Among the variables affecting the cost of land are location, amenities, the availability of public services, and financing arrangements between the buyer and seller.

Land costs vary significantly in accordance with a variety of factors, including proximity of urban services. Due to low inventories of vacant lands and land for sale in Clayton, it is difficult to estimate the local cost

per acre of land. The inventory of vacant land parcels in the neighboring city of Concord includes properties near Clayton. Undeveloped land zoned for residential development on these properties is listed from $600,000 per acre to as high as $4 million per acre. The high cost of land constrains developers' ability to develop affordable housing. The city has no control to lower the cost of land in the private market. Below are current land vacancies and costs in Clayton and Concord.

Table 4-12: Vacant Land Costs

Address	Cost	Acres
8925 Marsh Creek Rd, Clayton, CA 94517	$1,300,00	47.23
1595 Lower Trail Rd, Clayton, CA 94517	$275,000	1.03
1975 Holly Dr, Concord CA 94521	$295,000	0.5

Source: Zillow.com, April 2022

CONSTRUCTION COSTS

Factors that affect the cost of building a house include the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. According to data from the California Construction Cost Index, hard construction costs in California grew by 44 percent between 2014 and 2018, or an additional $80 per square foot[1]. During the COVID-19, beginning in 2020, supply chain constraints contributed to a significant rise in materials costs and delays in delivery. Construction costs are estimated to account for upwards of 60 percent of the production cost of a new home, especially for multi-unit residential buildings, which can require the use of more expensive materials, like steel, and in more urban environments, need additional amenities such as parking structures[2]. Variations in the quality of materials, type of amenities, labor costs, and the quality of building materials could result in higher or lower construction costs for a new home.

According to data provided by the 21 Elements consortium in San Mateo County, hard construction costs for a single-family home in the Bay Area range from $250 to $525 per square foot, depending upon, for example, the quality of interior finishes. For multi-family housing, per-square-foot costs can be as high as $520. Pre-fabricated factory-built housing, with variation on the quality of materials and amenities, may also affect the final construction cost per square foot of a housing project. In contrast, the national square footage construction costs for 2021 from the International Code Council (ICC) for residential developments shown in Table 4-13 are substantially below Bay Area costs.

[1] Hayley Raetz, Teddy Forscher, Elizabeth Kneebone and Carolina Reid, The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in
California, The Terner Center for Housing Innovation, University of California Berkeley, March 2020, p.8,

http://ternercenter.berkeley.edu/uploads/Hard_Construction_Costs_March_2020.pdf

[2] Ibid., Raetz et al, p.4.

Table 4.13: Construction Cost by Building Type – National Data

Building Type	Square Foot Construction Cost Range
R-2 Residential, multiple family	$136.73 – $203.34
R-3 Residential, one-and two-family	$148.33 - $189.34

Source: International Code Council, Building Valuation Data, August 2021

According to the ICC data, the range of costs per square footage for one- and two-family homes is higher than that of multiple family homes, making multi-family housing more affordable to develop on a cost per square foot basis.

If labor or material costs increased substantially, the cost of construction in Clayton could rise to a level that impacts the price of new construction and rehabilitation. Therefore, increased construction costs have the potential to constrain new housing construction and rehabilitation of existing housing.

LABOR COST

The California Labor Code applies prevailing wage rates to public works projects exceeding $1,000 in value. Public works projects include construction, alteration, installation, demolition, or repair work performed under contract and paid for in whole or in part out of public funds. Furthermore, if federal funds are involved, Davis-Bacon wages often apply. While the cost differential in prevailing and standard wages varies based on the skill level of the occupation, prevailing wages tend to add to the overall cost of development. In the case of affordable housing projects, prevailing wage requirements could effectively reduce the number of affordable units that can be achieved with public subsidies.

AVAILABILITY OF FINANCING

Financing new residential development can be a significant cost; however, residential financing for both single-family and multiple family housing is generally available. Developers of single-family projects often secure loans for land acquisition, installation of improvements, and construction. According to the US Bank, land acquisition and development loan rates are typically the prime rate plus 0.5 to 2.0 percent, which is between 3.99 to 5.4 percent as of May 2022. Mortgage rates were low for previous years but are now increasing. Apartment loan rates are generally a bit lower. Developers of affordable housing face significant challenges in securing financing. Due to the limited possible return from rents or sales prices of affordable units, many private lenders are unable to finance affordable projects due to the rate of return. Thus, affordable developers must rely on community lending divisions, nonprofit institutions, grants and special loans, and local assistance.

GOVERNMENT CODE 65583(A)(6) DEVELOPMENT ANALYSIS

Government Code section 65583(a)(6) requires an analysis of requests from developers to build housing at densities below those anticipated in site inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. The analysis must also look at local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet RHNA by income category.

Densities Below Zoning Maximums

Clayton largely is zoned for single-family development at densities of no greater than four units per acre. For properties with higher allowed densities, many are zoned PD (Planned Development) to allow for flexibility in development standards given site constraints. On PD-zoned properties, the General Plan land use policy map dictates the maximum allowed density. Given the preponderance of single-family zoned properties and the required low densities, developers elect to build at the upper end. However, given geologic and slope conditions on specific properties, yields can fall below the maximum allowed. For example, the Oak Creek Canyon subdivision proposes six units on nine acres of land. The Diablo Meadows subdivision proposes 18 single-family lots (and three ADUs, which are not included in density calculations) on an 8.68-acre site, at a density of 2.1 units per acre overall, with units clustered into a smaller area to allow for 4.36 acres to be preserved as open space.

For multi-family-zoned properties, only one application has occurred in recent years, for the Olivia on March Creek project. The Olivia is a senior housing development that utilized state density bonus law provisions to yield 27 units per acre, higher than the allowed density of 20 units per acre.

Elapsed Time to Receive Building Permits

In Clayton, the time that passes between a developer receiving entitlements and building permits can be lengthy given the biologic and challenging geologic conditions in the city. Detailed studies and plans are required to address slope and soils stability concerns. Detailed mitigations studies may also be required to show how sensitive habitat areas will be protected. The time may be as long as two years, depending upon specific site conditions. These time periods are typical for a site that requires particular consideration of public safety and natural resource issues.

Regarding the Olivia project cited above, after receiving entitlements, the developer opted to "shop" the project to other parties rather than move diligently through the building permit process. This delay was not related to any city actions.

LOCAL EFFORTS TO REMOVE NONGOVERNMENTAL CONSTRAINTS

Housing Element law requires analysis of local efforts to remove nongovernmental constraints that impact the City's ability to meet its RHNA by income category. The primary nongovernmental constraint is the overall cost of affordable housing development (high land and development costs) in most parts of the State. In general, constructing affordable housing, especially for low- and very low-income households, is not profitable for housing developers. Therefore, deed-restricted affordable units require subsidy beyond available density or financial incentives. This places the construction burden on nonprofits and similar grant-funded housing developers and may result in affordable projects that are not always dispersed throughout the region but are concentrated in limited areas with lower development costs. While the City can offer developer incentives such as expedited permit processing or fee deferrals—or partner with a developer on City-owned properties—it cannot afford to fully mitigate the high cost of development for affordable housing developments.

Previously, Clayton had provided assistance through the Redevelopment Agency Set-Aside fund as a means to subsidize the construction of housing for very low-, low-, and moderate-income households. However, pursuant to changes in State law, the Redevelopment Agency was dissolved in 2012, reducing

the City's ability to provide direct financial support. The city does have measures to help incentivize affordable housing development, including:

- Density bonuses
- Fee waivers or deferrals (as reasonably available)
- Expedited processing/priority processing
- Technical assistance with accessing funding
- Modifications to development standards through the Planned Development Permit process

ENVIRONMENTAL CONSIDERATIONS

The City of Clayton has several environmental considerations that affect where development can occur. The City is in both a landslide zone and liquefaction zone due to proximity to fault lines. The City's General Plan Safety element discusses policies to inform development and help mitigate environmental risks to residents. The city has also adopted a Local Hazard Mitigation Plan to address environmental hazards.

Geologic Hazards

Undeveloped land in Clayton has certain geologic hazards that must be considered when looking to build. These hazards include slopes with unstable soil, expansive soil, high erosion potential, evidence of springs, mudflow potential, and landslide and rockslide potential.

Due to the combination of geologic hazards affecting that portion of Clayton east of Clayton Road, the City has established the Geologic Hazard Abatement District (GHAD), for which the City Council serves as the Board of Directors. The GHAD is funded by assessments on property owners within the district. GHAD monitors conditions in the area, noting such conditions as buckling of sidewalks and road sections due to earth movement. Wells in the areas have been installed to dewater and stabilize slopes. These conditions significantly constrain development. However, none of the proposed housing sites are located within the district, and as such, no constraint associated with the GHAD exists.

Development within Clayton must undergo geotechnical studies and building design to reflect and address the project site's location and underlying soil conditions. This requirement is universal throughout Clayton, as required by goals and policies of the Safety Element of the current General Plan and the City's Municipal Code.

The Safety Element acknowledges potential geotechnical risks and requires structures to provide adequate level of safety and mitigation for the community, including to address potential seismic effects, liquefaction and subsidence, and avoid soil erosion and instability. The City requires fault setbacks and reinforcing structural externalities that may be susceptible to ground shaking, identification of areas susceptible to ground shaking as well as liquefication, constraints mapping, avoidance of local soil erosion, development restrictions of land with a slope of 26 percent or greater, and evaluations of any development expansion on instable and/or 15 percent slopes.

The California Building Code (CBC) also has guidelines on building design and construction based on seismic constraints and expected ground shaking throughout California. Chapter 15.60 of Title 15 of the CMC, Grading Rules and Regulations, has guidelines for soil and geology engineering reports for new developments in the City. Development projects are subject to slope guidelines and seismic design constraints in accordance with the state's building codes, if applicable. Chapters 15.58, 15.60, and 15.70

of the CMC establish measures and requirements to address flood hazards and prevent soil erosion, including requirements associated with grading/filling, tree removal, and slope stability.

Implementation of General Plan objectives and policies, the CBC, and guidelines for development on slopes and fault-lines in the Municipal Code requires additional costs for study, design, and construction of housing. While this is a constraint to housing development, the requirements are universally applied to all development sites in Clayton, similar to other jurisdictions in the area with similar soil conditions. Further, the requirements are needed to ensure potential impacts related to geologic and seismic constraints on future development within the Planning Area associated with the Housing Element would be less than significant for purposes of a development's environmental impact analysis~~CEQA~~.

Therefore, this constraint cannot be overcome or avoided to accommodate housing and development in Clayton.

Seismic Hazards

Seismic activity must be considered for all cities in the Bay area. However, Clayton is less at risk that other cities in the area. The most critical faults locally, according to Woodward and Lundgren, are the San Andreas, Calaveras and Hayward faults, due to their recent activity and energy potential. Nevertheless, the Antioch and Concord faults recently have produced damaging earthquakes, the latter with a 5.4 magnitude in 1955. Prominent faults of undetermined status include the Pinole, Bollinger, Las Trampas, Frankling, South Hampton, Clayton Marsh Creek, Midland, and Mt. Diablo Faults (see Exhibit VII-2 in the Safety Element). These faults have shown inconclusive signs of activity or are associated with geologic processes and features that could result in earthquakes.

Some areas of the Clayton Valley contain alluvial soils that could amplify ground shaking in the event the Concord fault shifts. The entire area is considered seismically active, and the development plans should reflect this risk factor. Soil types, topography and bedrock may serve to heighten risk or dampen it. The presence of contained water bodies within these seismically active areas raises seiches as potential hazards, which should also be addressed in development plans. The fault is not classified as active; however, there is preliminary evidence that the fault may have displaced recent landslide materials. For this reason, the fault should be treated as active unless evidence proves otherwise.

Seismic hazards can be considered a constraint for all development in Clayton, including the housing opportunity sites, because structures require additional design and reinforcement to protect from ground shaking. This constraint is similar to other jurisdictions in the area.

Flooding Hazards

The principal stream running through Clayton is Mt. Diablo Creek. It originates on the steep north slopes of the 3,849-foot-tall Mt. Diablo. Mt. Diablo Creek drains a watershed of approximately 30 square miles. It flows northerly and westerly through the cities of Clayton and Concord, the Concord Naval Weapons Station and eventually empties into Suisun Bay. In the City of Clayton, Mt. Diablo Creek is joined by Donner and Mitchell creeks, both of which originate on the slopes of Mt. Diablo and by Peacock Creek, which flows from the Keller Ridge. Flooding has occurred from Mt. Diablo Creek in the Town Center area of Clayton and in the flood plain between Clayton Road and Kirker Pass Road. The major floods affecting this area occurred in 1938, 1952, 1955 and 1963. The 1955 and 1963 floods both were estimated as 25-year

floods. Despite these occurrences, Mt. Diablo Creek is not considered a creek with a high flood history. Part of the reason for this is due to the long floodplain between Mt. Diablo slopes and the city limits that serves to slow down velocity and delay peak flows.

However, continued watershed development increases the risk of flood event, which is a serious consideration for future development. Mt. Diablo Creek, within its confined limits, is already incapable of providing adequate flood protection. Even if land development within the watershed came to a complete halt, the statistical probability of serious flooding would be considerable. The limitation of land development, the utilization of flood plains, and the construction of engineered improvements are the most useful methods for controlling floods. No serious problems have occurred to date, but unless some type of flood control project is undertaken, the limited capacity of Mt. Diablo Creek could cause serious flooding problems.

The housing opportunity sites are all outside of the floodway areas and do not have any additional flood event risks. While flooding must be addressed as future development of watersheds continue, flooding is not an immediate constraint to the housing opportunity sites.

Biological Resources

Applicants in Clayton must prepare project-level biological surveys for all development, including but not limited to housing, and design projects to ensure compliance with the locally adopted Habitat Conservation Plan (HCP). While the HCP requires stream setbacks, avoidance of biological features, and/or off-site mitigation and payment of an HCP fee, this requirement applies to all development in Clayton, not just the housing opportunity sites, and is similar to development projects in neighboring jurisdictions, such as Concord. Compliance with State and Federal requirements associated with biological resources may constrain housing through increasing the cost to construct housing; however, the constraint is unavoidable.

Fire Hazards

Sites L and M are near high fire hazard severity zones; however, the remaining- housing inventory sites are not located in or near high fire hazard severity zones. New housing may be subject to significant wildfire risks, especially if the housing is located in areas with inadequate evacuation routes. The Draft Environmental Impact Report prepared for the Housing Element contains a mitigation measure (HAZ1) to help reduce potential impacts to less than significant levels for the purposes of CEQA. The associated mitigation requires the City to undertake efforts related to either update its Local Hazard Mitigation Plan (LHMP) or work with Contra Costa County to update its Emergency Operations Plan (EOP). These City-driven actions would address State law requirements related to evacuation planning and coordination and would not result in increased costs associated with constructing housing. Therefore, no constraint exists associated with fire hazards.

Constraints Conclusion

There are no other constraints that have been identified that would limit the construction of housing on the identified housing opportunity sites. For example, the sites are all within the incorporated area of Clayton, which means no annexation would be required and utilities and public services would be readily available. The sites are not subject to Williamson Act contracts, and none of the sites are agricultural lands,

important farmland, or timberland areas. None of the sites contain historic resources, and the sites do not contain visual resources that are identified in the General Plan. The Draft Environmental Impact Report prepared for the Housing Element contains mitigation measures that address cultural resources.

Clayton's local regulations largely mirror State laws and other similar jurisdictions' requirements for new development. For example, Clayton has water efficient landscaping requirements that are consistent with State law, and air quality permit requirements are consistent with the Bay Area Air Quality Management District (BAAQMD) requirements. Clayton's Municipal Code does contain more stringent requirements for some elements of new development than some jurisdictions. These include requiring 65 percent of construction waste to be diverted from landfills and made available for recycling, reuse, or salvage, as required by the City's Green Building Standards Code. However, this requirement is similar to other jurisdictions in Contra Costa County.

5. Housing Resources

As described in the Introduction chapter, Clayton's character is defined by its low-intensity development patterns and connections to the surrounding natural environment. Of the available vacant land, unstable geologic conditions constrain development of new housing. Infill development approaches will be used to accommodate the RHNA of 570 units, and in particular, the higher-density housing most able to provide affordable rents and mortgages. This Housing Element identifies new initiatives for Clayton. Notably, the inventory of housing sites described below includes properties to be rezoned ~~(in tandem~~immediately following ~~with~~ Housing Element adoption~~)~~ to accommodate development densities of up to 40 units per acre on select sites. Within the Town Center, creative mixed-use projects will bring additional residents into Clayton's downtown, thereby providing new patrons for the local businesses and offering more affordable housing options in the form of townhomes, live/work units, and small apartments.

Encouraging and supporting development of affordable housing choices requires assistance in the form of subsidies and incentives from federal, State, County, and local City resources. This chapter introduces several resources that will be available to provide the incentives and support.

AVAILABILITY OF SITES FOR HOUSING

A critical component of the Housing Element is the identification of sites for future housing development and the evaluation of these sites' ability to accommodate the RHNA. In Clayton, additional residential growth will occur on residential and mixed-use properties with redevelopment potential, primarily along major corridors and in the Town Center. Also, two large sites not identified in prior housing element cycles—a portion of a vacant property known as Seeno Hill and the overflow parking lot for the Oakhurst Country Club—are identified as locations for housing at up to 20 and 30 units per acre, respectively. The following discussion analyzes residential growth potential and describes how collectively these sites provide capacity for more than 570 new homes for households of all income levels.

REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

California law requires each city and county to zone properties in a manner that ensures the city or county can accommodate its fair share of regional housing needs over the course of the housing element planning period. The law states that the housing element must identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and must make adequate provision for the existing and projected needs of all economic segments of the community (California Government Code Section 65583).

The California Department of Housing and Community Development (HCD) is responsible for determining the regional housing needs assessment at a statewide level. From that statewide number, HCD assigns a portion to each region and its corresponding council of government (COG), a regional planning body. Clayton is part of the Bay Area region, where the COG is the Association of Bay Area Governments (ABAG).

HCD determined that the projected housing need for the ABAG region is 441,176 new housing units for the eight-year period of June 30, 2022, through December 15, 2030.[1] ABAG then allocates a portion of the regional housing need to each city and county in the Bay Area region. This assignment of projected housing need to each local jurisdiction in the region is known as the regional housing need allocation, or RHNA.

The RHNA is divided into four income categories: very low, low, moderate, and above moderate. Clayton's RHNA for the projection period is 570 housing units, with the units distributed among the four income categories as shown in Table 5-1. As illustrated in this chapter, with existing resources and the rezoning of properties occurring in conjunction with Housing Element adoption, Clayton has sufficient capacity to meet its 2023-2031 RHNA obligation.

Table 5-1: Clayton 2023-2031 RHNA

Income Group	% of County Median Income	RHNA (Housing Units)	Percentage of Units
Extremely Low/Very Low	0-50%	170	30%
Low	51-80%	97	17%
Moderate	81-120%	84	15%
Above Moderate	120% +	219	38%
Total		**570**	**100%**

Note: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low-income households (0-30% AMI). In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation; as such, the City's very low-income RHNA of 170 units can be split into 85 extremely low-income and 85 very low-income units.

PROGRESS TOWARDS THE RHNA

The "projection period" is the period for which the RHNA is calculated (Government Code Section 65588(f)(2)). Projects that have been approved or permitted or have received a certificate of occupancy since the beginning of the RHNA projected period may be credited toward meeting the RHNA allocation based on the affordability and unit count of the development.

Despite little to no vacant unconstrained land and the predominantly single-family home character of Clayton, the City recently approved entitlements for the largest multi-family housing development in Clayton's history, The Olivia on Marsh Creek. The Olivia project, with 81 units, inclusive of seven deed-restricted units for very low-income households, will provide housing for seniors in ~~more affordable,~~ one- and two-bedroom units. By design, these units provide housing options for seniors that are more affordable than larger single-family homes in Clayton. This development highlights the City's ability to accommodate new multi-family housing that will move Clayton toward achieving its RHNA.

Approved and proposed residential development projects credited toward the RHNA include single-family subdivisions with accessory dwelling units (ADUs) for low-income renter households. The Diablo

[1] The RHNA projection period varies slightly from the Housing Element planning period, which refers to the date the Housing Element is due to be adopted and the duration of the eight-year term. The Housing Element planning period for the sixth cycle in the ABAG region is January 31, 2023 through January 31, 2031.

Meadows and Oak Creek Canyon projects together will provide 28 new homes, including four ADUs that the projects' developers will build to comply with the City's inclusionary housing ordinance (Municipal Code Chapter 17.92). Two of these ADUs will be deed restricted as affordable housing, as will one of the primary units in Diablo Meadows. Combined, these three approved projects account for 109 units, including nine deed-restricted affordable units (Table 5-2). Two of the ADUs in Diablo Meadows are affordable by design.

Table 5-2: Approved Projects

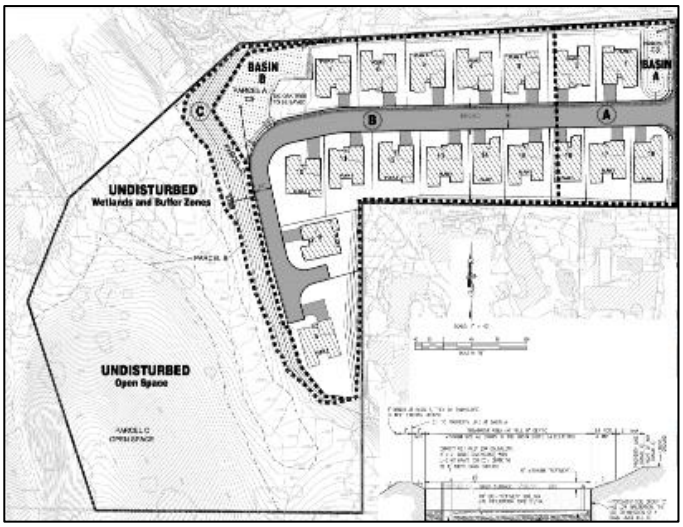
Project	Project Status	Extremely/ Very Low-Income (0-50% AMI)	Low-Income (50-80% AMI)	Moderate-Income (80-120% AMI)	Above Moderate-Income (+120%)	Total
Diablo Meadows	Approved		3*	1**	17	21
Oak Creek Canyon	Approved		1		6	7
The Olivia	Approved	7			74	81
Approved Projects Total		***7***	***4***	***1***	***97***	***109***

*One ADU will be deed restricted; the other two are affordable by design.

**Deed restricted as affordable.

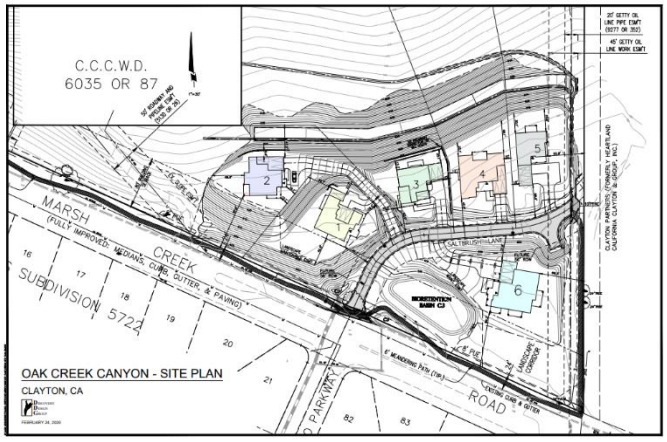
Diablo Meadows

The Diablo Meadows project consists of subdivision of an 8.68-acre site for 18 single-family residential units and three ADUs. The lots are clustered along the east side of the property to protect open spaces and provide for stormwater retention. Approximately 4.36 acres of the site will be preserved as open space (not included in the allowable density calculation). The three ADUs will be deed-restrict affordable units to meet the City's inclusionary housing requirements.



Oak Creek Canyon

Oak Creek Canyon consists of a six-lot subdivision for six single-family homes and one ADU on a vacant eight-acre (5.5 developable acres) site along Marsh Creek Road, a key travel route in Clayton. Development on the property is constrained by steep slopes and a large detention basin. The ADU will be deed restricted as affordable housing.



The Olivia on Marsh Creek

The Olivia on Marsh Creek housing project approved by the City Council will create three, three-story buildings containing 81 rental units for seniors. The site is located within the Town Center, at 6170 High Street and 6450 and 6490 Marsh Creek Road. Seven of the units will be deed-restricted affordable units.



SITES INVENTORY

The sites inventory includes a projection for ADUs based on recent ~~past~~ trends, anticipated development on vacant sites either zoned for residential development or planned to be rezoned, sites owned by religious institutions that have indicated a desire to build multi-family housing on portions of their properties, City-owned properties, and sites currently occupied by low-density residential uses or parking lots that will be zoned to encourage their redevelopment during the Housing Element cycle.

Accessory Dwelling Unit (ADU) Projections

Since 2017, the State Legislature has passed a series of new laws that significantly increase the potential for development of new ADUs and Junior ADUs (JADUs) by removing development barriers, allowing ADUs to be approved through ministerial permits, and requiring jurisdictions to include programs in their housing elements that incentivize ADU development. Between 2018 (the effective date of the first significant ADU laws) and 2021, property owner interest in constructing ADUs was limited in Clayton. However, beginning in late 2021, interest began to rise. To meet the requirements of the City's Inclusionary Housing Ordinance, recent subdivision developers have proposed including ADUs as part of their projects (see discussion above). Between 2018 and 2021, Clayton permitted a total of seven ADUs, averaging about two ADUs per year. Between January and October 2022, the City approved three ADUs,

exclusive of the units provided as part of the Diablo Meadows and Oak Creek Canyon projects described above.

Given the preponderance of single-family homes in the community, the capacity for additional ADUs is substantial—provided homeowners have interest, the process to acquire necessary permits has few barriers, and the costs for planning and building an ADU can be controlled. Several factors point toward a potential increase in ADU production: 1) new legislation that creates new incentives and streamlined processes to build ADUs; 2) the pent-up demand for affordable housing in Clayton and the Bay Area region at large; and 3) the City's planned program to provide six off-the-shelf, pre-approved ADU construction plans, including small studio, one- and two-bedroom units targeted as affordable housing, that will reduce costs to homeowners and streamline approval processes.

While it is impossible to predict with any certainty the number of ADUs that will be developed within the planning period, the City has estimated a rate ~~level~~ of ADU development that will increase above recent past trends based on approved ~~previous~~ permits, property owner interest in using of ADUs to meet the City's inclusionary housing requirements, and work the City will complete in 2023 to make pre-approved ADU plans available to property owners ~~and approved projects~~. ~~To provide a conservative approach,~~ Based on these facts, the City assumes:

- An average of three~~four~~ ADUs per year will be constructed throughout the planning period. This reflects a ~~slightly~~ higher average number of building permits issued for ADUs between 2018 and 2021. As stated above, t~~T~~his estimate accounts for the factors pointing toward a potential increase in ADU production: increased interest from property owners, developers providing ADUs in conjunction with subdivision applications, and standard ADU construction plans that the City will make available beginning early 2023~~late 2022.~~
- A total of 24~~32~~ ADUs are predicted to be constructed during the planning period.

Table 5-3: ADU Projections to Meet the RHNA

Project	Extremely/ Very Low-Income (0-50% AMI)	Low-Income (50-80% AMI)	Moderate-Income (80-120% AMI)	Above Moderate-Income (+120%)	Total
Projected ADU Construction	7~~10~~	7~~10~~	7~~10~~	3~~2~~	24~~32~~

As of 2022, 3,696 parcels in Clayton were developed with a single-family home, indicating untapped potential for additional units in the form of ADUs. During this Housing Element cycle, the City will monitor ADU production and may revise the estimates based on proven trends.

The affordability assumptions for the ADUs are based on the ABAG Housing Technical Assistance Team ADU affordability analysis for the sixth -cycle RHNA, which has been approved by HCD[2].

[2] ABAG estimates an affordability breakdown of ADUs in the Bay Area as follows: 30% extremely low- and very low-income, 30% low-income, 30% moderate-income, and 10% above moderate-income. *ABAG Housing Technical Assistance Team: Affordability of Accessory Dwelling Units: A report and recommendations for RHNA 6, September 8, 2021.*

Senate Bill (SB) 9

In September 2021, Governor Newsom signed Senate Bill (SB) 9 into law, with an effective date of January 1, 2022. SB 9 mandates ministerial approval of duplexes on lots zoned for a single-family residence and requires ministerial approval of subdivisions of a single-family lot into two lots, referred to as urban lot splits. The provisions of SB 9 create the possibility that four units could be developed on each single-family parcel in the Clayton. While SB 9 may facilitate new development in Clayton, the City has elected not to assume such contributions toward the RHNA. However, the City will monitor requests for and completion of so-called SB 9 units over the planning period to determine whether such projects help fulfill RHNA requirements, particularly for new affordable units.

Assumptions Regarding Build-out Potential

In the following analysis for both vacant and underutilized properties (except on properties with active development applications), the City has assumed that the parcels will yield 80 percent of the maximum allowable development capacity. Because Clayton is a small community with few active applications, using examples solely from Clayton does not represent a sufficient sample size. Also, the two approved lower-density projects are being built on physically constrained properties. Thus, the 80 percent assumption is based on the following examples of active projects in nearby Contra Costa County jurisdictions with densities proximate to those in Clayton.

Table 5-4: Examples of Projects with Build-out at 80% or Higher of Maximum Densities

Community/Project	Acres	Total Units (exclusive of ADUs)	Percent of Allowable Density	Units/Ac
City of Clayton				
Diablo Meadows	4.3 developable	18	78%	3.9
Oak Creek Canyon	5.5 developable	6	67%[1]	1.1
The Olivia	3.0	81	135%	27
Town of Danville				
Abigail Place	2.97	19	83%	6.4
Alexon Riverwalk	3.7	144	124%	40
City of Walnut Creek				
1556 Mt Diablo Rd	0.76	30	79%	39
1835 Weaver Ln	1.9	7	84%	3.7
1394 Walden Rd	0.43	6	93%	13.9
City of Lafayette				
Valley View Apartments	not reported	42	99%	35
Samantha Townhomes	not reported	12	83%	29
Lenox Lafayette Circle	not reported	12	90%	32

Note: 1) Lower density due to presence of detention basin.

Sources: Town of Danville Draft Housing Element 2023-2031; City of Walnut Creek Draft Housing Element 2023- 2031; City of Lafayette Draft Housing Element 2023-2031

Vacant and Underutilized Residential Properties

The 109 approved units, together with the projection of 24~~32~~ ADUs, result in a credit of 133~~141~~ units toward the RHNA of 570 units. Thus, the City must show that the land inventory (sites with appropriate General Plan designations and/or zoning) is adequate to accommodate the remaining RHNA of 437~~429~~ units.

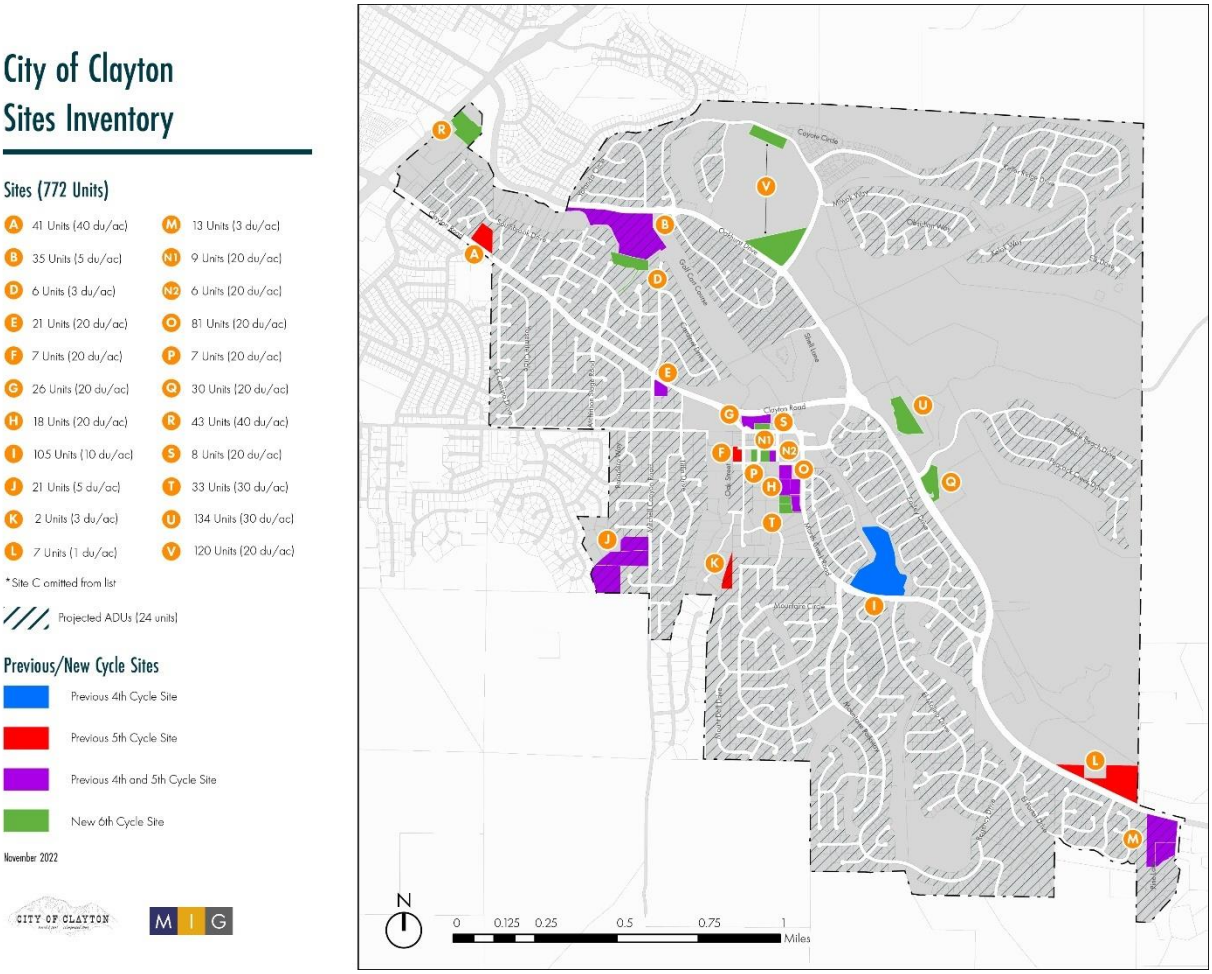
Figure 5-1 shows the sites available to accommodate the remaining RHNA. These include, as indicated above, vacant properties and developed properties with redevelopment potential. Not all sites have the appropriate General Plan designation or zoning to support the level of development required to achieve the RHNA at all income levels. Thus, the following analysis and discussion include identification of required amendments needed.

State housing law requires that the City provide substantial evidence to support the reasons for including nonvacant sites in the sites inventory. In Clayton, the City has used one or more of the following to provide the substantial evidence:

1) The property owner has indicated an interest in redeveloping the site.
2) The site is owned by the City of Clayton.
3) The site has a low building-to-land value (B/LV) ratio, thus indicating untapped value that can be achieved via site redevelopment.
4) The site exhibits characteristics to similar properties that have been redeveloped.
5) A prior development application had been filed for the site and lapsed.

Tables 5-6 through 5-9 below identify the type of evidence used to justify including each nonvacant site.

Figure 5-1: Housing Sites Inventory



Vacant, uncommitted land on sites with a General Plan designation and zoning that allow only residential uses ~~total 14.49 acres, which~~ include site B, ~~and~~ one parcel of site T, and Site V. A previous application for development of site B, which would have produced 32 single-family units, was suspended by the developer. A newer iteration of the development application has been recently submitted to the City and includes the previously proposed 32 single-family units plus three ADUs. Although land use policy allows for higher-intensity development, the potential yield for this site as shown in Table 5-54 reflects the currently pending application. ~~All units~~ For site B, 32 units have been assigned to the Above Moderate RHNA income category, and the three ADUs (provided to comply with the inclusionary housing ordinance) have been assigned to lower-income categories and will be deed restricted. ~~Additionally~~

Regarding Site T, the property owner for The Olivia at Marsh Creek project, which is adjacent to ~~has expressed interest in developing the adjacent~~ vacant ~~property (~~site T~~)~~, has expressed interest in developing this vacant property in conjunction ~~which he owns together~~ with an abutting developed parcel he also owns (addressed in Table 5-6). The vacant parcel has a density assumption of 30 units per acre and an 80 percent realistic development capacity. The Low Income RHNA category has been assigned since the density is higher than the default density of 20 units per acre.

Site V consists of two areas on a property known locally as Seeno Hill. As part of the Housing Element process, the property owner has come forward with interest to process a General Plan amendment and zone change to allow development consistent with the Multifamily High Density designation (20 units per acre). A buildout assumption of 80 percent has been applied, yielding 120 total units. Twenty units have been assigned to the Low Income RHNA category and 100 to Moderate.

Table 5-54: Vacant Residential Land Inventory

Site	General Plan Designation	Zoning	Maximum Density	Assumed Density	Vacant Acres	Potential Dwelling Units	Affordability
B	Single Family Medium Density (MD)	PD	5 du/ac	2.3 du/ac	13.91	35	Above Moderate
T	Multifamily High Density (MHD)	PD	30 du/ac	24 du/ac	0.58	13	Low Income
V	Rural Estate (RD)	Agricultural (A) – Proposed Multifamily High Density			7.5	120	Above Moderate, Moderate, Low Income, and Very Low Income
Total					***21.9914.49***	***16848***	

Five underutilized (nonvacant) residential lots (only residential uses allowed per zoning regulations) totaling 12.65 acres were identified: (sites E, H, K, M, and a portion of T). Collectively, these sites have the capacity for 107 units (see Table 5-65). Given the scarcity of unconstrained developable land in Clayton and the continuing demand for housing in the Bay Area, larger multifamily developments such as The Olivia at Marsh Creek have demonstrated that redevelopment of underutilized residential properties is economically viable. The Olivia at Marsh Creek used two underutilized residential lots, in addition to a vacant residential lot. For these underutilized properties, as well as those within the Town Center Specific Plan, the capacity analysis assumes that each site will yield 80 percent of its maximum capacity. This assumption accounts for any necessary on-site improvements and the unique physical site characteristics that may not allow the maximum density to be achieved. For those properties that have a default density of 20 units per acre or higher[3], the units have been assigned to lower-income categories.

[3] The default density allowed by State law for assuming production of affordable housing is 20 units per acre for a city the size of Clayton.

Table 5-65: Underutilized Residential Land Inventory

Site	General Plan Designation	Zoning	Maximum Density	Assumed Density	Underutilized Acres	Potential Dwelling Units	Affordability	Substantial Evidence
E	Multifamily High Density (MHD)	PD	230 du/ac	1624 du/ac	1.08	1625	Very Low and Low Income	B/LV of 0.254
H	Multifamily High Density (MHD)	PD	20 du/ac	16 du/ac	1.16	18	Very Low Income	B/LV of 0.559
K	Single Family Density (LD)	PD	3 du/ac	3 du/ac	1.47	42	Above Moderate Income	None required due to income category; prior development application filed
M	Single Family Density (LD)	PD	5 du/ac	34 du/ac	8.07	1731	Above Moderate Income	None required due to income category
T	Multifamily High Density (MHD)	PD	30 du/ac	24 du/ac	0.87	20	Low Income	Property owner has expressed interest (owner developed the adjacent The Olivia)
Total					***12.65***	***7398***		

Vacant and Underutilized Town Center Properties

The Town Center Specific Plan provides policies and regulations that include the distribution of land uses; location and size of streets, walks, and other infrastructure; standards for development; and methods of financing public improvements. While the primary intent of the plan was to promote commercial development in the Town Center, subsequent economic analysis of the Specific Plan area indicated that a lack of Town Center residences and resident customer base is one of the factors that makes attracting that commercial development challenging. With its central location and proximity to retail and transit stops along Clayton Road, the Town Center is one of the more viablea key locationssites for higher-density residential development.

Vacant, uncommitted land in the Town Center was identified, totaling 2.6 acres on on threefour parcels: site G-, and the eastern portions of sites F, and site N2 (see Table 5-76). These sites have been assigned to the Very Low and Low Income RHNA categoriesy based on the proposed maximum density of 20 units per acre.

Table 5-76: Vacant Town Center Land Inventory

	General Plan Designation	Zoning	Maximum Density	Assumed Density	Vacant Acres	Potential Dwelling Units	Affordability	Substantial Evidence
F	Town Center (TC)	PD	20 du/ac	16 du/ac	0.7951	7	Low Income	City-owned lots that can be consolidated
G	Town Center (TC)	PD	20 du/ac	16 du/ac	1.66	26	Very Low Income	City-owned lot
N2	Town Center (TC)	PD	20 du/ac	16 du/ac	0.43	6	Very Low Income	Vacant – Characteristics similar to The Olivia site
Total					***2.8860***	***39***		

In addition to these vacant sites, threefive underutilized (nonvacant) residential lots within the Town Center area totaling 1.67 acres were identified. These sites (sSites P, and S, and the western portion of sites N1) have capacity for 24 units (see Table 5-87). Along with underutilized residential lands, these underutilized Town Center sites will also be key in advancing Clayton's RHNA due to the built-out nature of Clayton.

Table 5-87: Underutilized Town Center Land Inventory

Site	General Plan Designation	Zoning	Maximum Density	Assumed Density	Underutilized Acres	Potential Dwelling Units	Affordability	Substantial Evidence
N1	Town Center (TC)	PD	20 du/ac	16 du/ac	0.63	9	Very Low Income	B/LV of 0.168
P	Town Center (TC)	PD	20 du/ac	16 du/ac	0.46	7	Very Low Income	City-owned lot
S	Town Center (TC)	L-C	20 du/ac	16 du/ac	0.58	8	Low Income	Property owner has expressed interest
Total					***1.67***	***24***		

Underutilized Non-Residential Properties

In the inventory, six underutilized properties zoned for non-residential use have been included: total 24.98 acres on six parcels (sites A, D, I, Q, R, and U, combined which and the western portion of site F) and have capacity for 414 359 units. These properties will require rezoning. Twohree of these sites—A and R— are occupied by churches and have (General Plan land use designations of ID-Institutional Density and, KC-Kirker Corridor, and TC-Town Center). Thewo congregations have expressed interest in developing a portion of their properties for affordable housing. .

Site D is a City-owned lot that includes a little-used trail along its northern boundary. The lot abuts single-family neighborhoods on three sides and on the north, Site B, which is planned for a low-density subdivision.

Site I is privately owned. The property owners have contacted the City to discuss options for developing their property.

Sites Q and U are properties within the Oakhurst Country Club, under the ownership of Empire Acres, LLC. On site Q, an overflow parking lot for the country club, the owner has presented preliminary plans to the City for a potential multifamily housing development. The owner has also expressed interest in redesigning a portion of the golf course and developing housing on the 5.6-acre driving range.

While the golf course property has a land use designation of Private Open Space, it is noteworthy that ~~The~~the approved Oak Creek Canyon project is being developed on a site that ~~was~~ in part had ~~designated with~~ a private open space land use designation. This~~,~~ highlight~~s~~~~ing~~ the fact that a General Plan designation and/or zone is not a hinderance to residential development. ~~Critically, in conjunction with~~Immediately following adoption of this Housing Element, the City will adopt General Plan and zoning map amendments~~has put the land use regulations in place~~ to allow residential development on these sites.

Table 5-~~98~~: Underutilized Non-Residential Land Inventory

Site	General Plan Designation	Zoning	Maximum Density	Assumed Density	Underutilized Acres	Potential Dwelling Units	Affordability	Substantial Evidence
A	Institutional Density (ID)	PD	40 du/ac	32 du/ac	2.38	41	Very Low Income	Property owner (church) has expressed interest
D	Public Park/Open space/Open Space and Recreational (PU)	PD	3 du/ac	2.4 du/ac	2.86	6	Above Moderate Income	None required due income category; City-owned lot
~~F~~	~~Public Park/Open space/Open Space and Recreational (PU)~~	~~PF~~	~~20 du/ac~~	~~16 du/ac~~	~~.28~~	~~4~~	~~Low Income~~	
I	Public Park/Open space/Open Space and Recreational (PU)	A	10 du/ac	8 du/ac	13.23	105	Moderate Income, Above Moderate Income	Property owner has expressed interest
Q	Private Open Space (PR)	PD	~~40~~ 20du/ac	~~32~~ 12 du/ac	2.55	~~81~~30	Low Income, Moderate Income	Property owner (Oakhurst

Table 5-~~98~~: Underutilized Non-Residential Land Inventory

Site	General Plan Designation	Zoning	Maximum Density	Assumed Density	Underutilized Acres	Potential Dwelling Units	Affordability	Substantial Evidence
								Country Club) has expressed interest
R	Kirker Corridor (KD)	PD	40 du/ac	32 du/ac	3.68 (0.75ac parking lot to be developed)	43	Very Low Income, Low Income	Property owner (church) has expressed interest
U	Private Open Space (PR)	PD	30 du/ac	24 du/ac	5.6	134	Very Low Income, Above Moderate Income	Property owner interest (Oakhurst Country Club)
Total					***~~24.98~~30.3***	***~~414~~312359***		

The Housing Element sites inventory surveyed recently approved projects and coordinated with property owners to develop and corroborate estimates related to potential development by General Plan designation and zoning. Most recent projects have achieved densities very near actual maximum densities, and property owners of underutilized or vacant sites have expressed willingness to allow their properties to be rezoned for higher density. This helped provide a more realistic and conservative understanding of the potential development capacity.

SITE SUITABILITY, REALISTIC CAPACITY, AND RE-USE OF SITES (ASSEMBLY BILL [AB] 1397)

Consistent with Housing Element law (Assembly Bill 1397, codified in California Government Code Sections 65580, 65583 and 65583.2) related to the suitability of small and large sites, the lower-income sites inventory presented in this chapter is limited to sites of 0.5 to 10 acres in size, as HCD has indicated these size parameters best accommodate lower-income housing. In this inventory, several sites include multiple parcels that are less than 0.5 acre in size; however, when consolidated with adjacent parcels, most achieve more than 0.5 acres. Small sites (less than 0.5 acre) are credited toward the above moderate-income categories to account for a potential variety of types, sizes, and amenity levels in future higher-density development projects.

AB 1397 also adds specific criteria for assessment of the realistic availability of non-vacant sites during the planning period. If non-vacant sites accommodate half or more of the lower-income need, the Housing Element must present "substantial evidence" that the existing use does not constitute an impediment for additional residential use on the site. Due to the built-out nature of Clayton, most unconstrained properties ~~sites~~ have existing uses. Non-vacant sites included in the inventory have been chosen due to their location, existing uses, and potential for intensification. To ensure that appropriate sites have been chosen, properties that show recent investments or updates or that contain uses of local importance are not included, and clear criteria were used to evaluate all sites within Clayton, as described above.

Government Code Section 65583.2(c) also requires that specific parameters be placed on sites that were used in previous planning cycles but that were not developed and are now used in the current Housing Element to meet the lower income RHNA. If the City identifies any portion of its low-income housing allocation as being met on these sites, the sites must meet the required default densities (zoned to allow 20 units per acre) and must allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower-income households. "By right" means that no review is required under the California Environmental Quality Act (CEQA), unless a subdivision is required, and the project can only be reviewed using objective design standards. A program is included in this Housing Element to ensure these provisions are included in the Zoning Code.

No Net Loss Provision

A jurisdiction must ensure that its Housing Element inventory can accommodate the RHNA by income level throughout the planning period (Government Code Section 65863). If a jurisdiction approves a housing project at a lower density or with fewer units by income category than identified in the Housing Element, it must determine whether there is sufficient capacity to meet remaining unmet need. If not, the city must "identify and make available" additional adequate sites to accommodate the jurisdiction's share of housing need by income level within 180 days of approving the reduced-density project. Clayton has identified a surplus of sites to address the no-net loss provision, and Program C is included in the Housing Element to set up a process for maintaining compliance.

Comparison of Sites Inventory and RHNA

Combined, the vacant and underutilized opportunity sites identified have the potential to accommodate ~~764~~ 687 residential units. As Table 5-10~~9~~ indicates, these sites and the densities allowed/assumed, together with the pipeline projects and ADU potential, will provide opportunities to achieve remaining RHNA goals for all income categories, as well as provide a potential surplus or buffer of ~~194~~ 226 units, which helps support no-net-loss provisions consistent with State law. Tables 5-11~~0~~, 5-12~~1~~, and– 5-13~~2~~ at the end of this chapter provide additional site-specific detail for each vacant and underutilized site identified in the inventory.

The opportunity areas identified involve sites that can realistically be redeveloped with residential units during the planning period. These areas are considered highly likely to experience redevelopment for two key reasons: 1) the high demand for more affordable housing throughout Contra Costa County; and 2) the availability of underutilized land in well-resourced areas, with the potential for high-density residential development. The sites chosen are significantly underutilized given their size and location and recent development trends. Interest is especially high in areas identified in this Housing Element, including within the Town Center.

Table 5-10~~9~~: Comparison of Credits, Sites, and RHNA

General Plan Designation	Extremely/ Very Low-Income (0-50% AMI)	Low-Income (50-80% AMI)	Moderate-Income (80-120% AMI)	Above Moderate-Income (+120%)	Total
RHNA	170	97	84	219	570
RHNA Credits					
Approved Projects	7	4	1	97	109

Table 5-109: Comparison of Credits, Sites, and RHNA

General Plan Designation	Extremely/ Very Low-Income (0-50% AMI)	Low-Income (50-80% AMI)	Moderate-Income (80-120% AMI)	Above Moderate-Income (+120%)	Total
Sites Inventory (Number of Units)					
Projected ADU Construction	~~10~~7	~~10~~7	~~10~~7	~~2~~3	~~32~~24
Residential Sites – Vacant	12~~20~~	24~~59~~	50~~0~~	82~~67~~	~~146~~168
Residential Sites - Underutilized	8	46	0	19	73
Town Center Sites	56~~48~~	7~~15~~	0~~0~~	0~~0~~	~~63~~63
Non-Residential Sites	99~~111~~	35~~57~~	58~~94~~	~~82~~167~~152~~	~~414~~274359
Subtotal Sites Inventory	*~~182189~~*	*~~119141~~*	*~~115104~~*	*~~186221~~271*	*~~655602~~687*
Total Credits and Inventory	**~~198~~189**	**123~~143~~**	**116~~106~~**	**~~282317~~368**	**~~764711~~796**
Surplus RHNA Units	**~~28~~19**	**~~46~~26**	**~~22~~32**	**~~9863~~149**	**~~194141~~226**

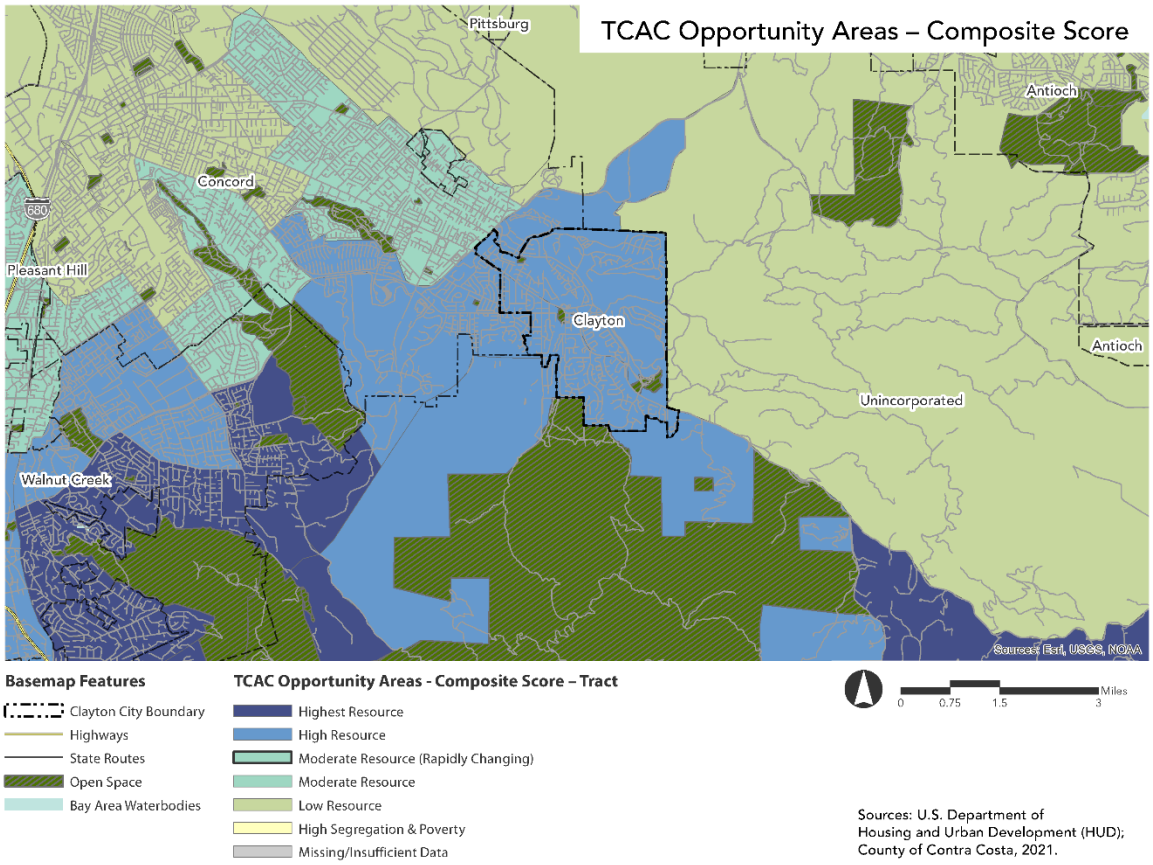
CONSISTENCY WITH AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

State law requires that housing elements due on or after January 1, 2021, include an assessment of fair housing that considers the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs (Government Code Section 65583(c)(10)). Affirmatively furthering fair housing means taking meaningful actions that address significant disparities in housing needs and access to opportunity. For purposes of the Housing Element sites inventory, this means that sites identified to accommodate the lower-income need are not concentrated in low-resourced areas (for example, with a lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty.

HCD and the California Tax Credit Allocation Committee (TCAC) coordinated efforts to produce opportunity maps that identify areas in every region of the State whose characteristics have been shown by research to support positive economic, educational, and health outcomes for low-income families. Figure 5-2 shows that TCAC opportunity areas in Clayton are all categorized as high resource.

The distribution of identified sites improves fair housing and equal opportunity conditions in Clayton because sites are all distributed in high resources areas of Clayton. This is positive, considering that these represent locations where new higher-density housing can be provided and residents will have access to good schools, City facilities, and commercial areas. Additional opportunities for more affordable housing are presented through the City's efforts to encourage accessory dwelling units in high resource areas. A thorough AFFH analysis is included in Chapter 7 of this Housing Element.

Figure 5-2: TCAC Opportunity Areas – Composite Score – Clayton (2021)



INFRASTRUCTURE CAPACITY

All residential sites identified in the inventory are located within urbanized areas, where infrastructure and public services are readily available for connections. Most public services and facilities are available to adequately serve all potential housing sites. Any missing public improvements (e.g., curbs, gutters, sidewalks, etc.) along property frontages would also be constructed at that time. Water, sewer, and dry utility services are available for all the sites included in the inventory.

ADMINISTRATIVE AND FINANCIAL RESOURCES

One of the major factors to consider in formulating programs to incentivize housing production is whether sufficient resources exist. Specifically, it is important to examine the availability and adequacy of the financial and institutional resources to support such programs, especially programs aimed at producing affordable housing. The following discussion provides an overview of financial and administrative resources available for preserving and creating new housing.

FINANCIAL RESOURCES

Most projects that are exclusively affordable housing (especially for extremely low- and very low-income households) cannot be developed without financing and other subsidies required to write down the cost of land or other development incentives necessary to reduce construction costs. Funding sources include U.S. Department of Housing and Urban Development (HUD) funds, tax credits, and other loans and grants.

Federal Resources

CDBG: Through the Community Development Block Grant (CDBG) program, HUD provides funds to local governments for a wide range of community development activities. These funds can be used for the acquisition of land for affordable housing units, rehabilitation through a nonprofit organization for housing, development of infrastructure and facilities, and public service activities. Due to its size, Clayton does not qualify as an entitlement jurisdiction and thus only receives CDBG funding through the Contra Costa County Department of Conservation and Development.

HOME: Another source of HUD funds is available under the HOME Investment Partnerships Program (HOME). These funds can be used to assist tenants or homeowners through acquisition, construction, reconstruction, or the rehabilitation of affordable housing. A federal priority for use of these funds is preservation of the at-risk housing stock. Due to its size, Clayton does not qualify as an entitlement jurisdiction and thus receives HOME funding through the Contra Costa County Department of Conservation and Development.

Housing Choice Voucher Program: The Housing Authority of the County of Contra Costa administers the HUD Section 8 Housing Choice Voucher Program for Clayton residents. The program provides rental subsidies to low-income families who spend more than 30 percent of their gross income on housing costs. The program pays the difference between 30 percent of the recipients' monthly income and the federally approved payment standard. The voucher allows a tenant to choose housing that may cost more than the payment standard, but the tenant must pay the extra cost.

State Resources

Low Income Housing Tax Credits (LIHTC): Created by the 1986 Tax Reform Act, the LIHTC program has been used in combination with City and other resources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a 10-year period, provided that the housing meets the following minimum low-income occupancy requirements: 20 percent of the units must be affordable to households at 50 percent of area median income (AMI) or 40 percent of the units must be affordable to those at 60 percent of AMI. The total credit over the 10-year period has a present value equal to 70 percent of the qualified construction and rehabilitation expenditure. The tax credit is typically sold to large investors.

Additional State housing resources include:

- Affordable Housing and Sustainable Communities (AHSC)
- CalHFA Single and Multi-Family Program
- CalHome Program
- Homekey
- Housing-Related Parks Grant

- Infill Infrastructure Grant (IIG)
- Local Housing Trust Fund (LHTF)
- Multifamily Housing Program (MHP)
- No Place Like Home
- Permanent Local Housing Allocation (PLHA)

Local Resources

Clayton has no City-funded housing programs due to its small size and limited financial resources.

ADMINISTRATIVE RESOURCES

With a population of just over 12,000 residents and a small tax base, Clayton operates on a lean budget and has limited staff to oversee City operations. The Community Development Department consists of a director to oversee all housing-related efforts, who works in close coordination with one part-time planner and the City Manager. The City values its small-town qualities, and staff is readily available to meet with property owners and developers to explain development processes and shepherd housing development applications through staff review and public hearings. For projects subject to the City's Inclusionary Housing Ordinance, staff can assist developers to craft a strategy to comply.

As of 2022, the City is putting place a program to facilitate ADU production, with six pre-approved construction plans available to residents who wish to build an ADU on their property.

Table 5-1~~1~~20: Residential Vacant and Underutilized Sites

Site Name	Parcels Number (APN)	General Plan Designation	Zoning	Allowable Density (du/ac)	Assumed Density (du/ac)	Acres	Potential Lot Consolidation	Current Use	Common Ownership	Realistic Capacity	Infrastructure Capacity	On-site Constraints	Subject to AB 1397 and Substantial Evidence	Affordability Level			
														EL VL	L	M	AM
Vacant																	
B – Silver Oaks	118020029	MD	PD	5	2.3	13.91	No	Vacant	A	35	Yes	No	No. Application pending~~--~~	2	1		32
T – 6530/6500 Marsh Creek	119021019	MHD	PD	30	24	.58	Yes (see Underutilized Residential Sites)	Vacant	A	13	Yes	No	~~--~~No. Property owner has expressed interest		13		
V – Seeno Hill	118370040	RD	A	0	16	7.5	No need	Vacant	A	120	To be made available	Yes	Yes – Property owner interest	10	10	50	50
Underutilized																	
E – Old Firehouse	120015011	MHD	PD	30	24	1.08	No	Residential	A	25	Yes	No	Yes~~–~~	**8**	**~~25~~8**		
H – 6470 Marsh Creek Road	119021054	MHD	PD	20	16	1.16	No	Single Family	A	18	Yes	No	~~–~~No	**~~18~~**	**18**		
K – Douglas Road Triangle	119560012	LD	PD	3	3	1.47	No	Single Family	A	4	Yes	No	No. Site has conditions similar to the approved The Olivia project~~–~~				**42**
M – Marsh Creek Property	78020006	LD	PD	5	4	5.86	Yes	Single Family	A	23	Yes	No	No~~--~~				**~~12~~3**
	78020007	LD	PD	5	4	2.21		Single Family	B	8	Yes	No	No~~--~~				**~~48~~**
T – 6530/6500 Marsh Creek	119021019	MHD	PD	30	24	.87	Yes (see Vacant Residential Sites)	Single Family	A	20	Yes	No	No. Property owner has expressed interest~~–~~		20		

Table 5-121: Town Center Vacant and Underutilized Sites

Site Name	Parcels Number (APN)	General Plan Designation	Zoning	Allowable Density (du/ac)	Assumed Density (du/ac)	Acres	Potential Lot Consolidation	Current Use	Common Ownership	Realistic Capacity	Infrastructure Capacity	On-site Constraints	Subject to AB 1397 and Substantial Evidence	Affordability Level			
														EL VL	L	M	AM
Vacant																	
G- Downtown Site	118560010	TC	PD	20	16	1.66	No	Vacant	A	26	Yes	No	Yes– City-owned site	26			
N – Center + Diablo Street	119017003	TC	PD	20	16	0.43	Yes (see Underutilized Town Center Sites)	Vacant	A	6	Yes	No	Yes– Low B/LV	6			
Underutilized																	
F – Creekside Terrace	119050009	TC	PD	20	16	0.22	Yes (see Table 5-12, Non-Residential Underutilized Sites)	Parks/Recreation	A	3	Yes	No	Yes. City-owned site–		3		
	119050034	TC	PD	20	16	0.29		Parks/Recreation		4	Yes	No	Yes.– City-owned site		4		
N – Center + Diablo	119017004	TC	PD	20	16	0.63	Yes (see Vacant Town Center Sites)	Single Family	B	9	Yes	No	Yes - Low B/LV	9			
P – City Parking Lot	119016009	TC	PD	20	16	0.46	No	Civic Facility	A	7	Yes	No	–No. City-owned site	7			
S – Clayton Community Church	119011003	TC	L-C	20	16	0.58	No	Office	A	8	Yes	No	--	8	8		

Table 5-1~~3~~2: Non-Residential Underutilized Sites

Site Name	Parcels Number (APN)	General Plan Designation	Zoning	Allowable Density (du/ac)	Assumed Density (du/ac)	Acres	Potential Lot Consolidation	Current Use	Common Ownership	Realistic Capacity	Infrastructure Capacity	On-site Constraints	Subject to AB 1397 and Substantial Evidence	Affordability Level			
														EL VL	L	M	AM
A – St. John's Parish	118101025	ID	PD	40	32	2.38	No	Civic Facility	A	41	Yes	No	Yes.~~--~~ Property owner has expressed interest in lower-income housing	41			
D – City Flag Lot	118230002	PU	PD	3	3	2.86	No	Civic Facility	A	8	Yes	No	--				~~8~~6
~~F – Creekside Terrace~~	~~119050008~~	~~PU~~	~~PF~~	~~20~~	~~16~~	~~0.28~~	~~Yes (see Table 5-11, Town Center Underutilized Sites)~~	~~Parks/Recreation~~	~~A~~	~~4~~	~~Yes~~	~~No~~	~~--~~				4
I – Easley Ranch	119080009	PU	A	10	10	13.23	No	Single Family	A	132	Yes	No	~~--~~No. Property owner has expressed interest in developing site		10	~~66~~43	~~66~~52
Q – Golf Course Overflow Lot	118370073	PR	PD	40	32	2.55	No	Private Parking Lot	A	81	Yes	No	No. Property owner has expressed interest in developing site~~--~~		~~40~~	415	15
R – Presbyterian Church	118031054	KC	PD	40	32	3.68	No	Civic Facility	A	43	Yes	No	No. Property owner has expressed interest in developing lower-income housing~~--~~	30	13		
U – Golf Course Driving Range	N/A	PR	PD	30	24	5.6	No	Golf Course	A	134	Yes	No	No. Property owner has expressed interest in	~~40~~2 8	12		94

												developing site--					

6. Housing Element Program Accomplishments

INTRODUCTION

This chapter analyzes program performance for the City of Clayton's 2015 - 2023 Housing Element programs. State law

(California Government Code Section 65588[a]) requires each jurisdiction to review its Housing Element as frequently as appropriate and evaluate:

- The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goals
- The effectiveness of the Housing Element in attainment of the community's housing goals and objectives
- Progress in implementation of the Housing Element

This evaluation provides critical information on the extent to which programs have achieved stated objectives and whether these programs continue to be relevant to addressing current and future housing needs in Clayton. The evaluation provides the basis for recommended modifications to policies and programs and the establishment of new housing objectives.

The Department of Housing and Community Development determined that the Clayton 2015-2023 Housing Element was in full compliance with State law. Following adoption in 2014, the City was tasked with following through on the commitments made in the housing programs.

The City has made a number of accomplishments through housing programs, specifically in regard to affordable housing, housing for special needs populations, accessory dwelling units, and the potential for new developments.

Under the Affordable Housing Plan Guidelines, in 2016 The City voted to change the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. The City Council also passed a and adopted an ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan the same year. City Council also passed and adopted an inclusionary housing ordinance, which provided the details of the Affordable Housing Plan identified in Implementation Measure I.2.1. This ordinance now requires that 10% of the owner units for residential projects containing 10 or more units to be created as affordable housing units.

To address the needs of special needs populations (low-income and elderly) City Council passed an ordinance in 2016 that allows supportive and transitional housing in the Limited Commercial (LC) zoning district and subjects it only to requirements of other residential uses in this district. In 2020 City Council

approved Planning entitlements for an 81-unit senior residential development with seven units to be reserved to rent to very-low income households.

Accessory Dwelling Units (ADU) are continuing to be a popular way to add more housing in Clayton. In 2016 two ADUs were approved, in 2017 one ADU was issued a building permit, and in 2020 The City issued zoning clearance for three additional ADUs.

The City continues to find ways to optimize housing by reworking existing land for future uses. In 2016 The City passed an ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5. On October 20, 2020, the City initiated a study to evaluate land use options for development of the City-owned property on Oak Street and Clayton Road in the Specific Plan area.

Table 6-1 outlines the City's progress toward meeting objectives identified in the 2015-2023 Housing Element. Following Table 6-1, Table 6-2 summarizes quantified objective performance.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
Adequate Sites and New Construction	
Implementation Measure I.1.1. To ensure that adequate sites are available through the planning period to meet the City's Regional Housing Needs Allocation (RHNA), the City will continue to maintain an inventory of sites available and appropriate for residential development for households at all income levels. In keeping with state "no net loss" provisions (Government Code Section 65863), if development projects are approved at densities lower than anticipated in the sites inventory, the City will evaluate the availability of sites appropriate for lower-income housing and, if necessary, shall rezone sufficient sites to accommodate the RHNA. **Responsibility:** Community Development Department **Time Frame:** Ongoing, as development projects are proposed. **Funding:** General Fund	The City ensured adequate sites were maintained, available, and appropriate for residential development for households at all income levels. **Continued Appropriateness:** The maintenance of adequate sites is required by law and remains a key goal. This program will be continued and modified to include objectives relating to tracking to ensure no net loss of sites during the planning period.
Implementation Measure I.1.2. The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from the 2007–2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre. The City's 2007–2014 Housing Element identified a shortfall of land that	The City established Affordable Housing Plan guidelines, which are contained in the City's Housing Element and continued to inform potential housing developers of this requirement. The City Council approved a General Plan amendment on July 19, 2016, changing the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. On August 16, 2016, the City Council passed and adopted an ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan. The

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
provided for residential development at a density deemed appropriate for affordable housing to accommodate 84 units to meet the extremely low-, very low-, and low-income RHNA. State law (Government Code Section 65583.2(h) and (i)) requires that land rezoned or redesignated to meet a shortfall meet the following criteria: • Require a minimum density of at least 20 units per acre. • Accommodate at least 16 units per site. • Allow multi-family housing by-right (without a use permit). • At least 50 percent of rezoned sites must be designated for residential uses only. In 2012, the City in good faith established the Multi-Family High Density General Plan Land Use and Zoning District designations and made specified General Plan Map and Zoning Map changes in an attempt to accommodate the City's lower income RHNA shortfall from the 2007–2014 planning period. The City was advised by HCD that these efforts fell short of state law; therefore, the City's land use regulations will be appropriately revised to comply with the above stated criteria. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** By January 31, 2016. **Funding:** General Fund	above was the last action required by the City to meet State law (GC Section 65583.2(h) and (i)). The zoning code allows multifamily housing structures by right in the M-R, M-R-M, and M-R-H zones. To meet the RHNA for the sixth cycle, the City intends to complete General Plan and zoning map amendments to increase densities on several parcels to achieve 20 units per acre. These amendments will be accomplished in parallel with the Housing Element update. **Continued Appropriateness:** Because required new rezoning will be accomplished as part of this sixth cycle Housing Element, the program requiring rezoning is no longer needed. In designating the sites to be rezoned, the City will ensure each site can accommodate at least 16 units and that at least 50 percent of the sites allow residential uses only (zoned M-R-H).
Implementation Measure I.2.1. For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a minimum of 10% of the units to be built or created as affordable housing units. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan. The plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the development agreement or	On August 16, 2016, the City Council passed and adopted an inclusionary housing ordinance, which provided the details of the Affordable Housing Plan as identified in Implementation Measure I.2.1. This ordinance requires that 10% of the units for ownership residential projects containing 10 or more units to be created as affordable housing units. **Continued Appropriateness:** Inclusionary housing requirements provide a solid means of producing affordable units. State law allows inclusionary requirements to be applied to rental units as well, so this program may be modified to expand application to all residential developments, whether ownership or rental.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
other primary land use entitlement. The Affordable Housing Plan shall specify and include the following: • The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households shall be a minimum of 10% of the total project. The number of affordable units shall be rounded up to a whole number. It is the City's desire that at least 5 percent of all project units be built as very low-income housing units and at least 5 percent of all project units be built as low-income housing units. • The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the plan for each individual project. • Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following: – Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.). – Land dedication (on-site and off-site). – Payment of in-lieu fees. • The timing for completion of affordable housing obligations. For projects proposing to construct affordable housing units, the City generally supports construction of affordable dwellings concurrent with the construction of market rate housing when feasible. For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.	Also, the City may consider revisiting the Affordable Housing Plan to lower the threshold for providing affordable units to fewer than 10 units.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
• At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income. • In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to: – Density bonuses – Fee waivers or deferrals (as reasonably available) – Expedited processing/priority processing – Reduced parking standards – Technical assistance with accessing funding – Modifications to development standards (on a case-by-case basis) **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Ongoing, as projects of 10 or more units are processed through the Community Development Department. The City will monitor the implementation of this program to ensure that it does not cause a constraint to the development of housing in the City of Clayton and will make necessary revisions to the program if needed to avoid such a constraint. **Funding:** General Fund	
Implementation Measure I.2.2. The Redevelopment Agency shall use its Low and Moderate Income Housing Fund to subsidize the construction of housing for very low-, low-, and moderate-income households on designated Affordable Housing Opportunity (AHO) sites in the Redevelopment project area (Table 42, Vacant Residential Land) to meet	The Redevelopment Agency no longer exists. **Continued Appropriateness:** This Implementation measure will be updated to leverage programs run by the Contra Costa County Successor Agency, as the Redevelopment Agency no longer exists.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
the City's fair share allocation within the current planning period of the Housing Element. In the event the accumulated cash balance of the Redevelopment Agency housing set-aside fund is insufficient to adequately subsidize such projects, the City and the Redevelopment Agency shall, in consultation with project proponents, do one of the following as a means of providing adequate subsidy for the projects: (1) obtain conventional financing from area lenders; (2) participate in a bond issue with neighboring jurisdictions; or (3) issue bonds. As part of this program the City will develop a marketing plan and research possible incentives aimed at promoting Redevelopment funds.	
Implementation Measure I.3.1. The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website. The City will aim to approve two second dwelling units per year during the planning period. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City continued to promote second dwelling units, also called Accessory Dwelling Units (ADUs) and provide informational handouts. Two second dwelling units were approved during the 2016 reporting period. One second dwelling unit was issued a building permit during the 2017 reporting period. The City issued zoning clearance for three accessory dwelling units in the 2020 calendar year. With the passage of several new State laws 2017-2019 intended to encourage ADUs, the City's ADU ordinance has become outdated. The ADU ordinance will need to be updated to reflect current law. Also, the City may consider other means to encourage ADU production. Given the preponderance of single-family lots in Clayton, ADUs provide a good opportunity to produce affordable housing. **Continued Appropriateness:** The program will be strengthened and objectives for new construction will be increased.
Implementation Measure I.4.1. To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use and second-story residential development. The City will continue to promote development opportunities in the Town Center, circulate a development handbook that describes the permitting process for mixed-use projects, and offer incentives such as density bonuses to incentivize mixed-use projects.	The City continued to promote and encourage mixed-use development in the Town Center through the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website. On October 20, 2020, the City initiated a study to evaluate land use options for development of the City-owned property on Oak Street and Clayton Road in the Specific Plan area. **Continued Appropriateness:** Mixed-Use projects will be a major source of new housing downtown while addressing community needs with regard to

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
The City will aim to facilitate the development of at least one mixed-use project within the planning period. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Annually and upon receiving development inquiries for mixed-use development. **Funding:** General Fund	commercial services, amenities and tax revenue. This program will be continued and modified to include new objectives, including a possible overhaul of the Specific Plan to facilitate housing and mixed use development.
Regulatory Relief and Incentives	
Implementation Measure II.1.1. Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City may seek funding under the federal Housing Opportunities for Persons with AIDS, California Child Care Facility Financing Program, and other state and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period. **Responsibility:** Planning Commission, Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City continued to discuss special needs populations with housing providers. On March 3, 2020, the City Council approved Planning entitlements for an 81-unit senior residential development with seven units to be reserved for rent to very-low income households. **Continued Appropriateness:** This program will be strengthened and updated to address recent State laws that require zoning amendments to accommodate low barrier navigation centers and transitional and supportive housing.
Implementation Measure II.1.2. The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5. **Responsibility:** Planning Commission, City Council, Community Development Department **Time Frame:** 2015 **Funding:** General Fund	On August 16, 2016, the City Council adopted and passed an ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5. **Continued Appropriateness:** This program was completed and will be taken out.
Implementation Measure II.1.3. The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential	On August 16, 2016, the City Council passed and adopted an ordinance allowing transitional and supportive housing in the Limited Commercial (LC) zoning district subject only to the requirements of other residential uses in this district.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
uses in this district in compliance with Senate Bill 2 (2007). **Responsibility:** Community Development Department **Time Frame:** Within one to two years of adoption of the Housing Element **Funding:** General Fund	**Continued Appropriateness:** This program will be strengthened and updated to address recent State laws that require zoning amendments to accommodate low barrier navigation centers and transitional and supportive housing.
Implementation Measure II.2.1. The City shall continue to authorize regulatory incentives and concessions for development projects that include residential units affordable to extremely low-, very low-, and low-income households and special needs groups including disabled and developmentally disabled persons. Incentives and concessions may include: • Flexibility in development standards (e.g., reduced parking requirements, landscaping, setbacks) • Reduction or deferral of certain development fees • Priority application processing to decrease review and approval time • Density bonus in accordance with State density bonus law (Government Code Section 65915). The City will aim to facilitate the development of at least one affordable or special needs project during the planning period. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Ongoing, as residential development projects are proposed. **Funding:** General Fund	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City continued to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. On March 3, 2020, the City Council approved Planning entitlements, including a density bonus with concessions and waivers, for an 81-unit senior residential development with seven units to be reserved for rent to very-low-income households. **Continued Appropriateness:** Funding and technical assistance facilitate the development of affordable housing. This program remains in the Housing Element with modified objectives to ensure feasibility for assisting developments that include affordable housing.
Implementation Measure II.2.2. The City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Ongoing, as residential development projects are proposed. **Funding:** General Fund	The City continued to monitor the impact of development fees. **Continued Appropriateness:** The opportunity to waive or defer fees did not arise between 2015 and 2021. The City will focus on strengthening programs such as the Affordable Housing Plan to ensure feasibility for assisting developments that include affordable housing.
Rental and Homeownership Assistance	

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
Implementation Measure III.1.1. The City shall continue to refer interested persons to information regarding Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Funds (used to post information)	The City continued to promote assistance for first-time homebuyers and lower-income renters by referring inquiries to County programs and by disseminating information as it becomes available. **Continued Appropriateness:** This program will be modified to remove discontinued programs, including the Lower-Income Rental Assistance Program and Aftercare Certificates, and reflect existing Contra Costa County programs and will continue.
Implementation Measure III.1.2. The City shall seek funding to develop and implement a down payment assistance program for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Examine funding sources and program opportunities by 2015. **Funding:** CalHome, HOME, or other available sources	The City explored funding sources such as CalHome and HOME and did not find any funding sources available for this use. The City continued to seek funding to implement a down payment assistance program for first time homebuyers. **Continued Appropriateness:** This program will be modified to implement a feasible down payment assistance program for first-time homebuyers.
Implementation Measure III.1.3. The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise. **Responsibility:** City Council, Planning Commission, Community Development Department **Time Frame:** Apply annually upon notice of funding availabilities. **Funding:** HOME funds	The City did not have any eligible projects. **Continued Appropriateness:** This program was not used between 2015 and 2021. However, with increased State funding available for housing programs and increased opportunities for housing in Downtown, this program will be modified and continued.
Implementation Measure III.2.1. The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at risk of converting to market rate in the future. Specifically the City will:	The City continued to maintain and annually update the inventory of affordable housing, which includes the date the affordability expires. Annual reports from privately owned affordable housing units are required to be submitted to the City.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
• Work to ensure that affordable projects and units remain in or are transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications. • Provide assistance to any tenants that are displaced or are in danger of being displaced due to a conversion to market rate. • Annually monitor local investment in projects that have been acquired by nonprofit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards. • Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. • Meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, with local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support state or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities). **Responsibility:** Community Development Department **Time Frame:** Annually **Funding:** General Fund	**Continued Appropriateness:** An updated version of this program remains in the Housing Element, as preservation of affordable housing is an important goal.
Equal Access	
Implementation Measure IV.1.1. The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. **Responsibility:** Community Development Department **Time Frame:** Annually, 2015–2023 **Funding:** General Fund	At the time new laws are passed, the City reviews the Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. The City makes updates and changes when necessary to ensure compliance.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
	Continued Appropriateness: Fair Housing is an important City goal. This program has been strengthened with modified objectives pursuant to State requirements.
Implementation Measure IV.2.1. The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings. **Responsibility:** City Council, Community Development Department **Time Frame:** Ongoing, as projects are submitted and processed. **Funding:** General Fund	The City ensures the public is notified of any City hearings on development projects, including affordable housing projects, for which State statute or local procedure calls for a public hearing. For any such hearings, notice is placed on community boards within the City. Notice is also published in the local newspaper of general circulation (Contra Costa Times), and/or mailed by first class mail to owners of property within a 300-foot radius of the proposed project site. **Continued Appropriateness:** Outreach and engagement provide transparency and an equitable decision-making process. This program has been strengthened and updated with modified objectives.
Implementation Measure IV.3.1. The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City currently distributes and will continue to distribute public information brochures on reasonable accommodation for disabled persons and enforcement programs. **Continued Appropriateness:** This program will be strengthened for the updated Housing Element to establish a procedure for disabled persons or their representatives to request a reasonable accommodation from the City's zoning laws, building codes, and land use regulations, policies, and procedures to provide disabled persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.
Implementation Measure IV.3.2. The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements. **Responsibility:** Community Development Department Time Frame: Implement universal design standards as development is proposed. Funding: General Fund	The City continued to implement its universal design ordinance codified in Clayton Municipal Chapter 15.92 as projects came forward and continued to distribute brochures on universal design. **Continued Appropriateness:** This program will continue.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
Energy Conservation	
Implementation Measure V.1.1. The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library. The City has also dedicated a page on its website to Green Building, which includes energy conservation through building design. **Continued Appropriateness:** This program will continue.
Implementation Measure V.1.2. The City will review and consider possible amendments to the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond CalGreen Tier 1 standards. The City will consider establishing an incentivized residential green building program to encourage energy-efficient retrofitting, and the use of renewable energy in residential applications. Some of the incentives the City will consider when drafting this program will be: • Providing eligible projects with building and plan check fee rebates (when financially feasible). • Achieving third-party green building certification. • Renewable energy systems. • Green roofs. **Responsibility:** Community Development Department **Time Frame:** Consider establishing a residential green building program by 2017. **Funding:** General Fund	The City supports and will continue to support energy conservation by encouraging Green Building in both new development and remodels. In 2018, the City dedicated a page on its website to Green Building (https://claytonca.gov/community-development/building/green-building/), which includes energy conservation through building design. **Continued Appropriateness:** This program will be updated with modified objectives.
Implementation Measure V.1.3. The City will explore home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree PACE. To make this financing option available to Clayton residents, the City would need to adopt a resolution opting in to a Joint Powers Authority. These programs are available at no cost to the City. **Responsibility:** Community Development Department **Time Frame:** Consider opting into a PACE program by 2015.	The City has opted into three different PACE programs: HERO, Figtree, and CaliforniaFirst. **Continued Appropriateness:** This program will be updated with modified objectives, as HERO and Figtree PACE no longer exists.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
Funding: General Fund	
Regional Planning	
Implementation Measure VI.1.1. The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for the transferred units. **Responsibility:** City Council **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	Clayton is not a regional jobs center and is not well served by transit. Regional planning goals include focusing development near transit and jobs. The State legislature continues to pass laws, like SB 10 in 2021, that encourage such development approaches. However, over the past decade little legislative interest has been shown to allow jurisdictions to "trade" RHNA allocations among themselves. **Continued Appropriateness:** This program will not be included in the update element.
Implementation Measure VI.1.2. The City shall continue to participate in programs in Contra Costa County (e.g., "Shaping Our Future" project and Contra Costa Affordable Housing Trust Fund). TRANSPAC (Transportation Partnership and Cooperation) is the regional transportation planning committee for central Contra Costa and other regional planning efforts addressing housing, employment, and transportation issues. **Responsibility:** City Council **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City participates in regional efforts addressing housing, employment, and transportation issues by being involved in ABAG's Plan Bay Area process and TRANSPAC (regional transportation planning committee for central Contra Costa County). **Continued Appropriateness:** This program will be updated to reflect existing programs and continued.
Implementation Measure VI.1.3. The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	The City cooperates with and will continue to cooperate with the regional/countywide housing task force. **Continued Appropriateness:** This program will continue.
Implementation Measure VI.1.4. The City shall continue to work with the Association of Bay Area Governments on FOCUS program implementation. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Some of the strategies that FOCUS promotes are listed below:	Many of the FOCUS initiatives have limited application to Clayton given the lack of transit service and virtually no land available to create employment centers. However, the City recognizes that its Downtown has the potential to support more dense housing that could enhance the walkability of the district and make more efficient use of land resources.

Table 6-1: 2015-2023 Housing Element Program Accomplishments

Implementation Measure	Progress and Continued Appropriateness
• Encourage infill and the efficient use of land capacity within existing communities. • Provide for compact, complete, resource-efficient communities near existing or planned transit and other infrastructure. • Provide opportunities for people to live near their jobs and work near their homes. • Encourage a mix of land uses with jobs, housing, retail, schools, parks, recreation, and services in proximity. **Responsibility:** Community Development Department **Time Frame:** Ongoing, 2015–2023 **Funding:** General Fund	**Continued Appropriateness:** This program will be modified to address direct applicability to Clayton, particularly to position the City for grants and other funding sources to achieve goals for Downtown.

QUANTIFIED OBJECTIVES

Table 6-2 summarizes Clayton's quantified objectives for the 2015-2023 Housing Element planning period and the progress the City has made, including progress meeting the City's fifth cycle RHNA.

Table 6-2: 2015-2023 Housing Element Quantified Objectives

Objectives	Income Level					
	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
Construction Objectives (RHNA)						
Goal	25	26	25	31	34	141
Progress	0	0	1	0	0	1
Single-Family Rehabilitation Objective						
Goal	--	8	8	--	--	16
Progress	0	0	0	0	0	0
At-Risk Housing Units to Preserve						
Goal	20	66	14	26	--	126
Progress	0	0	0	0	0	0

7. Affirmatively Furthering Fair Housing

INTRODUCTION AND OVERVIEW OF AB 686

In January 2017, Assembly Bill 686 (AB 686) introduced an obligation to affirmatively further fair housing (AFFH) into California law. AB 686 defined "affirmatively further fair housing" to mean "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for persons of color, persons with disabilities, and other protected classes.

ANALYSIS REQUIREMENTS

AB 686 requires that all housing elements prepared on or after January 1, 2021, assess fair housing through the following components:

- An assessment of fair housing within the jurisdiction that includes the following components: 1) a summary of fair housing issues and assessment of the City's fair housing enforcement and outreach capacity; 2) an analysis of segregation patterns and disparities in access to opportunities; 3) an assessment of contributing factors; and 4) identification and prioritization of fair housing goals and actions.
- A sites inventory that accommodates all income levels of the City's share of the RHNA that also serves the purpose of furthering more integrated and balanced living patterns.
- Responsive housing programs that affirmatively further fair housing, promote housing opportunities throughout the community for protected classes, and address contributing factors identified in the assessment of fair housing.

The analysis must address patterns at a regional and local level and trends in patterns over time. This analysis compares the locality at a county level for the purposes of promoting more inclusive communities.

SOURCES OF INFORMATION

- U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) reports
- U.S. Census Bureau's Decennial Census (referred to as "Census") and American Community Survey (ACS)
- Contra Costa Analysis of Impediments to Fair Housing Choice in January 2020 (2020 AI)
- HCD's AFFH Data Viewer
- Local knowledge

- The Clayton Pioneer
- The East Bay Times

HCD has developed a statewide AFFH Data Viewer that consists of map data layers from various data sources and provides options for addressing each of the components within the full scope of the assessment of fair housing. The data source and time frame used in the AFFH mapping tools may differ from the ACS data in the 2020 AI. While some data comparisons may have different time frames (often different by one year), the differences do not affect the identification of possible trends.

HISTORY OF HOUSING IN CLAYTON

The City of Clayton has a long history of retaining and enhancing its small-town character, taking pride in its residential nature, and working hard to protect its historic downtown. The geographic location of Clayton—coupled with desires to maintain a family-oriented community—historically has been a historical constraint on housing construction. In 2004, then Mayor Julie Pierce noted on adding housing in the City: "In Clayton, there's not a lot of available ground for new housing. We are landlocked by Mt. Diablo State Park, Concord, and the Urban Limit Line. So, the issue is becoming one of higher density. And that's not why most folks are in Clayton. We bought into lower density. High density should go nearer to major job and transportation centers." (The Clayton Pioneer). Development issues such as Urban Limit Line expansion have been a subject of debate in the City over the years, with City Council members sometimes expressing an aversion to greater expansion. "The voters of Contra Costa County established the Urban Limit Line, and I strongly believe that the voters should ratify any movement of the Line. In Clayton, the Urban Limit Line is a key factor in our defense against high-density development on our borders." (The Clayton Pioneer, 2004).

Pressures to meet housing allocations have continued, but resident opposition to new development and the construction of denser, more affordable housing units has remained consistent for many residents. As recently as 2017, residents challenged the construction of denser, more affordable housing units. 2020, a group of Clayton residents filed several lawsuits against the City over the approval of the "The Olivia at Marsh Creek," a three-story, 81-unit housing development for individuals over 55, stating that the project could have significant impacts on parking, traffic, noise, and air and water quality for residents surrounding the development. (East Bay Times, 2020).

Clayton's zoning code has additionally worked against the development of multi-family and lower-income housing. Historically, Clayton's land use and zoning regulations have capped residential densities at 20 units per acre, a density which does not provide much incentive to multi-family housing developers. Limited financial resources have also hindered partnerships with affordable housing developers to bring these homes into the community.

These factors have all created an environment in which there is very limited affordable and higher-density housing available in Clayton. Compared to nearby communities, Clayton has fallen behind on meeting housing obligations. An East Bay Times article from 2019 graded cities and jurisdictions in California based on their progress towards meeting housing development goals for very low-income, low-income, moderate-income, and above moderate-income units. While Contra Costa County overall received an A, the City of Clayton received an F. Nearby Antioch received a C, Pittsburg received a B+, Martinez received a D-, Concord received a D, Pleasant Hill received a D-, and Walnut Creek received a C-. Clayton is not

alone in its struggles to provide adequate affordable housing to residents, but community and City Council opposition, geographic constraints, zoning limitations, and community priorities have all contributed to the current patterns of segregation seen in the City today.

ASSESSMENT OF FAIR HOUSING ISSUES

FAIR HOUSING ENFORCEMENT AND OUTREACH

Fair housing enforcement and outreach capacity refers to the ability of a locality and fair housing entities to disseminate information related to fair housing laws and rights, and to provide outreach and education to community members. Enforcement and outreach capacity also includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing. The Fair Employment and Housing Act and the Unruh Civil Rights Act are the primary California fair housing laws. California law extends anti-discrimination protections in housing to several classes not covered by the federal Fair Housing Act (FHA) of 1968, including prohibiting discrimination on the basis of sexual orientation.

In Contra Costa County, local housing, social services, and legal service organizations include the Fair Housing Advocates of Northern California (FHANC), Eden Council for Hope and Opportunity (ECHO) Fair Housing, Bay Area Legal Aid, and Pacific Community Services.

FAIR HOUSING ENFORCEMENT

California's Department of Fair Employment and Housing (DFEH) has statutory mandates to protect the people of California from discrimination pursuant to the California Fair Employment and Housing Act (FEHA), Ralph Civil Rights Act, and Unruh Civil Rights Act (with regards to housing).

The FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, military or veteran status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.

The Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

The Ralph Civil Rights Act (Civil Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

Clayton does not have its own housing authority or other entity that monitors and enforces compliance with State and federal fair housing laws. The Housing Authority of Contra Costa County (HACC) provides

those services. In the HACC's most recent (2019) Analysis of Impediments to Fair Housing report, no violations of fair housing laws and regulations were reported in Clayton.

Regional Trends

Based on DFEH annual reports, Table 7-1 shows the number of housing complaints filed by Contra Costa County to DFEH between 2015–2020. A slight increase in the number of complaints precedes the downward trend from 2016–2020. Note that fair housing cases alleging a violation of FEHA can also involve an alleged Unruh violation, as the same unlawful activity can violate both laws. DFEH creates companion cases that are investigated separately from the housing investigation.

Table 7-1: Number of DFEH Housing Complaints in Contra Costa County (2020)

Year	Housing	Unruh Civil Rights Act
2015	30	5
2016	32	2
2017	26	26
2018	22	2
2019	22	2
2020	20	1

Source: https://www.dfeh.ca.gov/LegalRecords/?content=reports#reportsBody

The Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (HUD FHEO) enforces fair housing by investigating complaints of housing discrimination. Table 7-2 shows the number of FHEO filed cases by protected class in Contra Costa County between 2015 and 2020. A total of 148 cases were filed within this period, with disability being the top allegation of basis of discrimination, followed by familial status, race, national origin, and sex. These findings are consistent with national trends stated in FHEO's FY 2020 State of Fair Housing Annual Report to Congress where disability was also the top allegation of basis of discrimination.

Table 7-2: Number of FHEO Filed Cases by Protected Class in Contra Costa County (2015–2020)

Year	Number of Filed Cases	Disability	Race	National Origin	Sex	Familial Status
2015	28	17	4	2	2	4
2016	30	14	8	7	5	6
2017	20	12	3	5	1	5
2018	31	20	6	3	4	9
2019	32	27	4	4	4	1
2020	7	4	1	0	2	1
Total	148	94	26	21	18	26
Percentage of Total Filed Cases **Note that cases may be filed on more than one basis.*		*63.5%*	*17.5%*	*14.2%*	*12.2%*	*17.6%*

Source: Data.Gov - Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (FHEO) Filed Cases, https://catalog.data.gov/dataset/fheo-filed-cases

Table 7-3 indicates that the highest number of fair housing complaints are due to discrimination against those with disabilities, followed by income source, race, and national origin. A summary of ECHO's Fair Housing Complaint Log on fair housing issues, actions taken, services provided, and outcomes can be found in Tables 7-4 and 7-5.

Table 7-3: Action(s) Taken/Services Provided

Protected Class	1	3	5	6	7	Grand Total
Race	21	0	0	2	0	23
Marital Status	0	0	0	1	0	1
Sex	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Familial Status	0	0	0	3	0	3
Sexual Orientation	0	0	0	0	0	0
Sexual Harassment	0	0	0	1	0	1
Income Source	15	0	1	7	1	24
Disability	7	1	14	33	5	60
National Origin	13	0	0	1	0	14
Other	0	0	1	11	5	17
Total	**56**	**1**	**16**	**59**	**11**	**143**

1. Testers sent for investigation; 3. Referred to attorney; 5. Conciliation with landlord; 6. Client provided with counseling; 7. Client provided with brief service; Source: ECHO Fair Housing (2020 - 2021)

Table 7-4: Outcomes

Protected Class	Counseling provided to landlord	Counseling provided to tenant	Education to Landlord	Insufficient evidence	Preparing Site Visit	Referred to DFEH/HUD	Successful mediation	Grand Total
Race	0	0	2	20	0	1	0	23
National Origin	0	0	1	13	0	0	0	14
Marital Status	0	0	0	1	0	0	0	1
Sex	0	0	0	0	0	0	0	0
Disability	2	25	2	12	0	4	15	60
Religion	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0
Familial Status	0	3	0	0	0	0	0	3
Income Source	3	3	0	16	1	0	1	24
Sexual Harassment	0	8	2	2	1	4	0	17
Other	0	0	0	0	0	1	0	1
Total	5	39	7	64	2	10	16	143

Source: ECHO Fair Housing (2020 - 2021)

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Services that were not provided include: case tested by phone, case referred to HUD, and case accepted for full representation. The most common actions taken/services provided are providing clients with counseling, followed by sending testers for investigation and conciliation with landlords. Regardless of actions taken or services provided, almost 45 percent of cases are found to have insufficient evidence. Only about 12 percent of all cases resulted in successful mediation

Local Trends

No fair housing enforcement data are available from ECHO Fair Housing about Clayton. The AFFH data viewer similarly did not have any significant information about fair housing complaints in Clayton.

FAIR HOUSING TESTING

Fair housing testing is a randomized audit of property owners' compliance with local, State, and federal fair housing laws. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, State, and federal fair housing laws.

Regional Trends

ECHO conducts fair housing investigations in Contra Costa County (except Pittsburg) and unincorporated Contra Costa County. The 2020 Contra Costa County AI, however, did not report any findings on fair housing testing on the county level nor at the local level for the City of Clayton. However, it does bring to attention that private discrimination is a problem in Contra Costa County that continues to perpetuate segregation.

FAIR HOUSING EDUCATION AND OUTREACH

Fair housing outreach and education is imperative to ensure that those experiencing discrimination know when and how to seek help. Below are more detailed descriptions of fair housing services provided by local housing, social services, and legal service organizations.

Fair Housing Advocates of Northern California (FHANC)

FHANC is a non-profit agency with a mission to actively support and promote fair housing through education and advocacy. Fair housing services provided to residents outside of Marin, Sonoma, or Solano County include foreclosure prevention services and information, information on fair housing law for the housing industry, and other fair housing literature. The majority of the fair housing literature is provided in Spanish and English, with some provided in Vietnamese and Tagalog.

Eden Council for Hope and Opportunity (ECHO) Fair Housing

ECHO Fair Housing is a HUD-approved housing counseling agency that aims to promote equal access in housing, provide support services to aid in the prevention of homelessness, and promote permanent housing conditions. The organization provides education and charitable assistance to the public in matters related to obtaining and maintaining housing, in addition to rental assistance, housing assistance, tenant/landlord counseling, home seeking, home sharing, and mortgage and home purchase counseling. In Contra Costa County, ECHO Fair Housing provides fair housing services, first-time home buyer

counseling and education, and tenant/landlord services. (Rent review and eviction harassment programs are available only in Concord.)

- Fair housing services encompasses counseling, investigation, mediation, enforcement, and education.
- First-time home buyer counseling provides one-on-one counseling with a housing counselor on the homebuying process. The counselor will review all documentation, examine and identify barriers to homeownership, create an action plan, and prepare potential homebuyers for the responsibility of being homeowners. The counselor will also review credit reports, determine what steps need to be taken to clean up adverse credit, provide counseling on money-saving methods, and assist in developing a budget.
- First-time home buyer education provides classroom training regarding credit information, home ownership incentives, home buying opportunities, predatory lending, home ownership responsibilities, and government-assisted programs as well as conventional financing. The class also provides education on how to apply for HUD-insured mortgages, purchase procedures, and alternatives for financing the purchase. Education also includes information on fair housing and fair lending and how to recognize discrimination and predatory lending procedures and locate accessible housing if needed.
- ECHO's Tenant/Landlord Services provides information to tenants and landlords on rental housing issues such as evictions, rent increases, repairs and habitability, harassment, illegal entry, and other rights and responsibilities regarding the tenant/landlord relationship. Trained mediators assist in resolving housing disputes through conciliation and mediation.
- In cities that adopt ordinances to allow rent reviews (City of Concord only in Contra Costa County), tenants can request a rent review from ECHO Housing by phone or email. This allows tenants who experience rent increases exceeding 10 percent in a 12-month period to seek non-binding conciliation and mediation services.

Although the Contra Costa County Consortium Analysis of Impediments to Fair Housing states that the organization provides information in Spanish, the ECHO website is predominantly in English, with options to translate the homepage into various languages. Navigating the entire site may be difficult for the limited-English proficient (LEP) population.

Bay Area Legal Aid (BayLegal)

BayLegal is the largest civil legal aid provider serving seven Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara). With respect to affordable housing, BayLegal has a focus area in housing preservation (landlord-tenant matters, subsidized and public housing issues, unlawful evictions, foreclosures, habitability, and enforcement of fair housing laws), as well as a homelessness task force that provides legal services and advocacy for systems change to maintain housing, help people exit homelessness, and protect unhoused persons' civil rights. The organization provides translations for their online resources to over 50 languages and uses volunteer interpreters/translators to help provide language access. Its legal advice line provides counsel and advice in different languages. Specific to Contra Costa County, tenant housing resources are provided in English and Spanish.

The Housing Preservation practice is designed to protect families from illegal evictions, substandard housing conditions, and wrongful denials and terminations of housing subsidies. The practice also works to preserve and expand affordable housing and protect families from foreclosure rescue scams. BayLegal helps low-income tenants obtain or remain in safe, affordable housing by providing legal assistance in housing-law related areas such as public, subsidized (including Section 8 and other HUD-subsidized projects) and private housing, fair housing and housing discrimination, housing conditions, rent control, eviction defense, lock-outs and utility shut-offs, residential hotels, and training advocates and community organizations.

BayLegal also provides free civil legal services to low-income individuals and families to prevent homelessness and increase housing stability, as well as assist unhoused youth/adults address legal barriers that prevent them from exiting homelessness. This is accomplished through a mix of direct legal services, coalition building and partnerships, policy advocacy, and litigation to advocate for systems change that will help people maintain housing, exit homelessness, and protect unhoused persons' civil rights. The Homelessness Task Force (HTF) was developed in response to complex barriers and inequities contributing to homelessness and strives to build capacity and develop best practices across the seven counties to enhance BayLegal's coordinated, multi-systems response to homelessness.

Pacific Community Services, Inc. (PCSI)

PCSI is a private non-profit housing agency that serves East Contra Costa County (Bay Point, Antioch, and Pittsburg) and provides fair housing counseling in English and Spanish. Housing counseling services provided include:

- Foreclosure Prevention: Consists of a personal interview and the development of a case management plan for families to keep their homes and protect any equity that may have built up. Relief measures sought include loan modification or reduced payments, reinstatement and assistance under "Keep Your Home" program, forbearance agreements, deed-in-lieu of foreclosure, refinancing or recasting the mortgage, or sale of the property.
- Homeownership Counseling: Prepares first-time buyers for a successful home purchase by helping them with budgeting, understanding the home purchase process, and understanding the fees that lenders may charge to better prepare new buyers when acquiring their first home.
- Rental Counseling and Tenant and Landlord Rights: PCSI provides information and assistance in dealing with eviction and unlawful detainer actions, deposit returns, habitability issues, getting repairs done, mediation of tenant/landlord disputes, assisting tenant organizations, legal referrals to Bay Area Legal Aid & Bar Association resources, pre-rental counseling, and budgeting.
- Fair Housing Services: Include counseling regarding fair housing rights, referral services, and education and outreach. PCSI offers training for landlords and owners involving issues of compliance with federal and State fair housing regulations.
- Fair Housing Education and Outreach: Offers informative workshops for social service organizations and persons of protected categories. These workshops are designed to inform individuals how to recognize and report housing discrimination.

PCSI lacks contact information, resources, and accessibility on their website.

Overall, the capacity and funding of the above organizations are generally insufficient. Greater resources would enable stronger outreach efforts, including to populations that may be less aware of their fair housing rights, such as limited-English proficiency and LGBTQ residents. Although ECHO serves most of Contra Costa County, it suffers from a severe lack of resources and capacity, with only one fair housing counselor serving the County. A lack of funding also constrains BayLegal's ability to provide fair housing services for people facing discrimination, which further burdens groups like ECHO that provide such services.

INTEGRATION AND SEGREGATION

RACE/ETHNICITY

Segregation is defined as the separation or isolation of a race/ethnic group, national origin group, individuals with disabilities, or other social group by enforced or voluntary residence in a restricted area, by barriers to social connection or dealings between persons or groups, by separate educational facilities, or by other discriminatory means.

To measure segregation in a jurisdiction, HUD provides racial or ethnic dissimilarity trends. Dissimilarity indices are used to measure the evenness with which two groups (frequently defined on racial or ethnic characteristics) are distributed across the geographic units, such as block groups within a community. The index ranges from 0 to 100, with 0 meaning no segregation and 100 indicating complete segregation between the two groups. The index score can be understood as the percentage of one of the two groups that would need to move to produce an even distribution of racial/ethnic groups within the specified area. For example, if an index score is above 60, 60 percent of people in the specified area would need to move to eliminate segregation. The following shows how HUD views various levels of the index:

- <40: Low Segregation
- 40-54: Moderate Segregation
- >55: High Segregation

Ethnic and racial composition of a region is useful in analyzing housing demand and any related fair housing concerns, as it tends to demonstrate a relationship with other characteristics such as household size, locational preferences, and mobility. Prior studies have identified socioeconomic status, generational care needs, and cultural preferences as factors associated with "doubling up": households with extended family members and non-kin. These factors have also been associated with ethnicity and race. Other studies have also found minorities tend to congregate in metropolitan areas, although their mobility trend predictions are complicated by economic status (minorities moving to the suburbs when they achieve middle class) or immigration status (recent immigrants tend to stay in metro areas/ports of entry).

Regional Trends

Contra Costa County is a large, diverse jurisdiction in which people of color represent a majority of the population. As of the 2010 Census, 47.75 percent of residents were non-Hispanic Whites, 8.92 percent of residents were non-Hispanic Blacks, 24.36 percent were Hispanics, 14.61 percent were non-Hispanic Asians or Pacific Islanders, 0.28 percent were non-Hispanic Native Americans, 3.77 percent were non-Hispanic multiracial individuals, and 0.30 percent identified as some other race. See Figure 7-1 for the distribution of non-white residents at the block group level.

In Contra Costa County, all non-White residents combined are considered moderately segregated from White residents, with an index score of 41.86 at the Census tract level and 44.93 at the block group level (Table 7-5). Segregation between non-White and White residents has remained relatively steady since 1990. However, since 1990, segregation has increased from low to moderate levels for Hispanic residents, the largest increase among all racial/ethnic groups. This trend is commonly seen throughout California and is likely attributed to an increase of Hispanic residents during the migration boom of the mid- to late 1990s. An increase of 2 in the index score also occurred for Asian or Pacific Islander residents during the mid- to late 1990s. Block group level data reveals that segregation is more prominent amongst Asian or Pacific Islander residents than what is measured at the tract level (index score of 40.55 at the block group level versus 35.67 at the tract level). For Black residents, the segregation index score has gone down by 9 points between 1990 and 2010. The proportion of Black residents in the County has remained relatively steady during this same period, indicating segregation has been declining for the Black population.

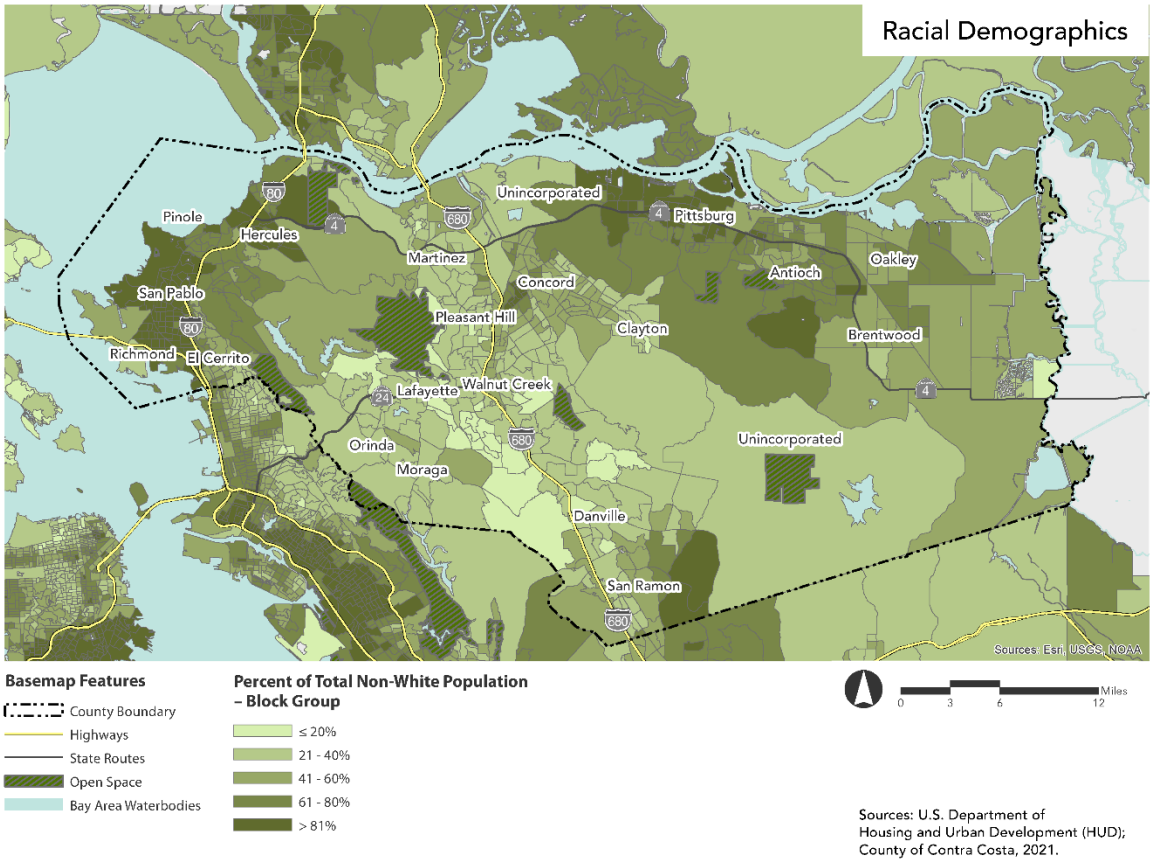
Table 7-5: Racial/Ethnic Dissimilarity Trends (1990–2020)

Dissimilarity Index	Contra Costa County			
	1990 Trend	2000 Trend	2010 Trend	Current (2010 Census Block Group)
Non-White/White	41.19	41.95	41.86	44.93
Black/White	67.52	62.54	58.42	61.80
Hispanic/White	36.70	45.24	48.07	49.49
Asian or Pacific Islander/White	34.89	32.73	35.67	40.55

Source: HUD's Affirmatively Furthering Fair Housing Tool (AFFH-T), Table 3 – Racial/Ethnic Dissimilarity Trends, Data version: AFFHT006, released July 10th, 2020.

Note: The table presents Decennial Census values for 1990, 2000, and 2010, all calculated by HUD using census tracts as the area of measurement. The "current" figure is calculated using block groups from the 2010 Decennial Census, because block groups can measure segregation at a finer grain than census tracts due to their smaller geographies. See https://www.hud.gov/program_offices/fair_housing_equal_opp/affh for more information.

Figure 7-1: Regional Racial Demographics (2021)



Local Trends

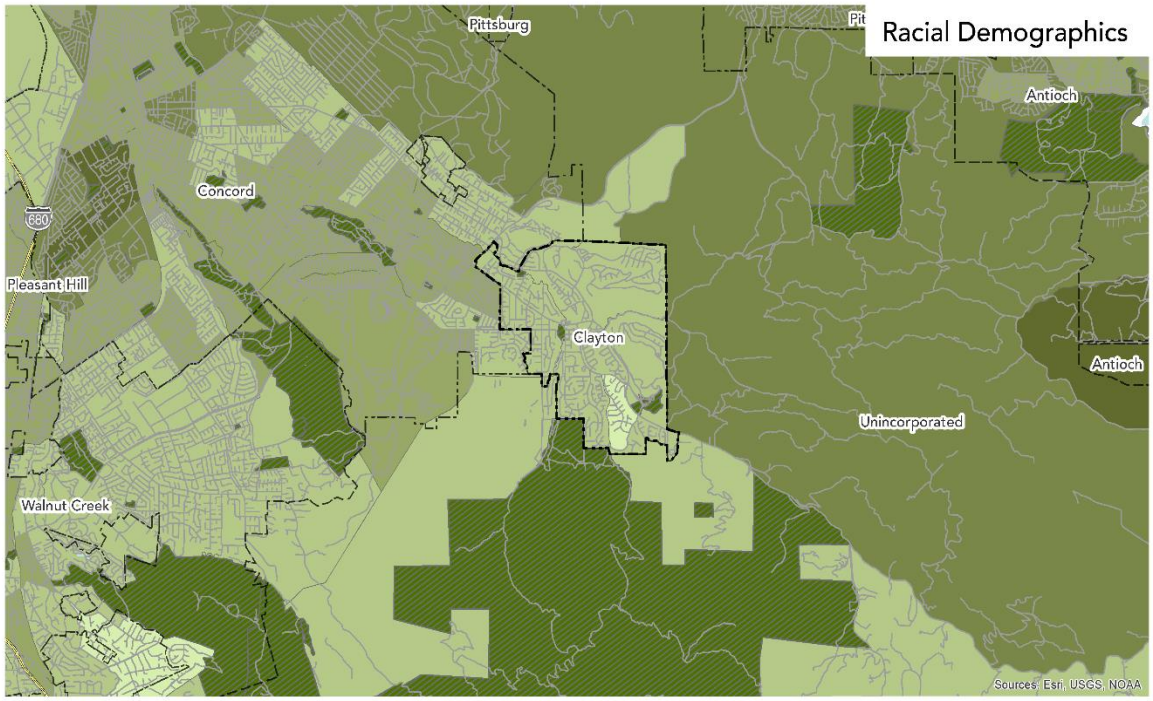
Clayton's population consists predominantly of White residents, as shown on Figure 7-2, with most census tracts having between 21 to 40 percent non-White populations and one tract with a non-White concentration that falls below 20 percent. (Two tracts shown on the map with greater than 81 percent non-White population are not residential areas but rather are school and park sites.) The City's single census tract with a non-White population below 40 percent does not correlate to other trends in the City that might explain this lower percentage. Clayton is close to the cities of Concord, Pleasant Hill, and Walnut Creek. Concord, which is much larger and more economically diverse than Clayton, has several census tracts with non-White populations between 41 to 60 percent and 61 to 80 percent. Similar to Concord, Pleasant Hill has more tracts with 41 to 60 percent and 61 to 80 percent non-White populations, as well as a few tracts with a non-White population of 81 percent and above. Walnut Creek, a more affluent community, more resembles Clayton, with most tracts having a non-White population of 21 to 40 percent, a few tracts with 41 to 60 percent, and a small concentration with a non-White population of less than 20 percent.

When comparing demographics in Clayton to those of other proximate cities ~~nearby~~, the difference is stark. The city of Antioch has no census tracts where the percentage of non-White population is below 41

to 60 percent. Most of the census tracts in Antioch have a non-White population between 61 to 80 percent, and some tracts in the city have a non-White population above 81 percent. The city of Pittsburg to the north and west has one concentration in the eastern part of the city where the non-White population is between 41 to 60 percent;~~,~~ otherwise, the rest of the census tracts have a non-White population between 61 to 80 percent and above 81 percent.

West of Pittsburg is the unincorporated community of Bay Point. All census tracts in this area have a non-White population of 61 to 80 percent and above 81 percent. Lastly, the city of Martinez, northwest of Clayton and along the Carquinez Strait,~~s~~ shows demographic patterns more similar to Clayton than Bay Point, Pittsburg, or Antioch. The majority of Martinez has census tracts with a non-White population between 21 to 40 percent, a few census tracts between 41 to 60 percent, and one concentration where the non-White population is below 20 percent. These demographic differences are also reflected by concentrations of low- to moderate-income households (earning less than 80 percent of the area median income) in areas with higher rates of non-White population. The areas with higher non-White populations also experience lower TCAC composite scores which consider economic, environmental, and educational resources.

Figure 7-2: Racial Demographics of Clayton (2021)


Racial Demographics
Pittsburg
Antioch
Concord
680
Pleasant Hill
Clayton
Antioch
Unincorporated
Walnut Creek
Sources: Esri, USGS, NOAA
Basemap Features
Clayton City Boundary
Highways
State Routes
Open Space
Bay Area Waterbodies
Percent of Total Non-White Population – Block Group
≤ 20%
21 - 40%
41 - 60%
61 - 80%
> 81%
0 0.75 1.5 3 Miles
Sources: U.S. Department of Housing and Urban Development (HUD), 2013-2021; County of Contra Costa, 2021.

See Table 7-6 for a comparison of racial composition in Contra Costa County and Clayton.

Table 7-6: Racial Composition Contra Costa County and Clayton (2019)

	Contra Costa County	Clayton
White, non-Hispanic	47.75%	74.6%
Black or African-American, non-Hispanic	8.92%	2.3%
American Indian and Alaska Native, non-Hispanic	0.28%	0.1%
Asian, non-Hispanic	14.61%*	7.6%
Native Hawaiian and Other Pacific Islander, non-Hispanic	N/A	0%
Some other race, non-Hispanic	0.30%	.02%
Two or more races, non-Hispanic	3.77%	5%
Hispanic or Latino	24.36%	10.2%

**Asian and Pacific Islander combined*
Sources: American Community Survey, 2015-2019; ABAG Housing Needs Data Package; Contra Costa County Consortium Analysis of Impediments to Fair Housing 2020-2025

PERSONS WITH DISABILITIES

In 1988, Congress added protections against housing discrimination for persons with disabilities through the Fair Housing Act, or FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special housing needs because of the lack of accessible and affordable housing and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Regional Trends

According to the 2015-2019 American Community Survey (ACS) 5-year estimates, 118,603 residents (10.9 percent of Contra Costa County's population) reported having one of six disability types listed in the ACS (hearing, vision, cognitive, ambulatory, self-care, and independent living). The percentage of residents detailed by disability are listed in Table 7-9. In both Contra Costa County and the City of Clayton, the percentage of individuals with disabilities also increases with age, with the highest percentage of individuals being those 75 years and older.

In Clayton, 8.5 percent of the population experiences a disability (Table 7-7). This rate is lower than Contra Costa County (11.2 percent). The disability rate is highest among residents who identify as Some Other Race (9.6 percent) and Hispanic or Latino Residents (8.4 percent). In the County, the highest percentage of disabled residents by race is among American Indian and Alaskan Native residents (21.2 percent). The overwhelming majority of residents in Clayton with a disability are 75 years and older (47.9 percent); this is also reflected in the County (47.2 percent). In Clayton, the most common disability is an ambulatory

difficulty (4.5 percent), followed by an independent living difficulty (4.3 percent). The highest percentage of disability experienced by residents in Contra Costa County is similarly those with ambulatory difficulties (5.7 percent) followed by those with an independent living difficulty (5.4 percent).

Table 7-7. Populations of Persons with Disabilities – Contra Costa County and Clayton

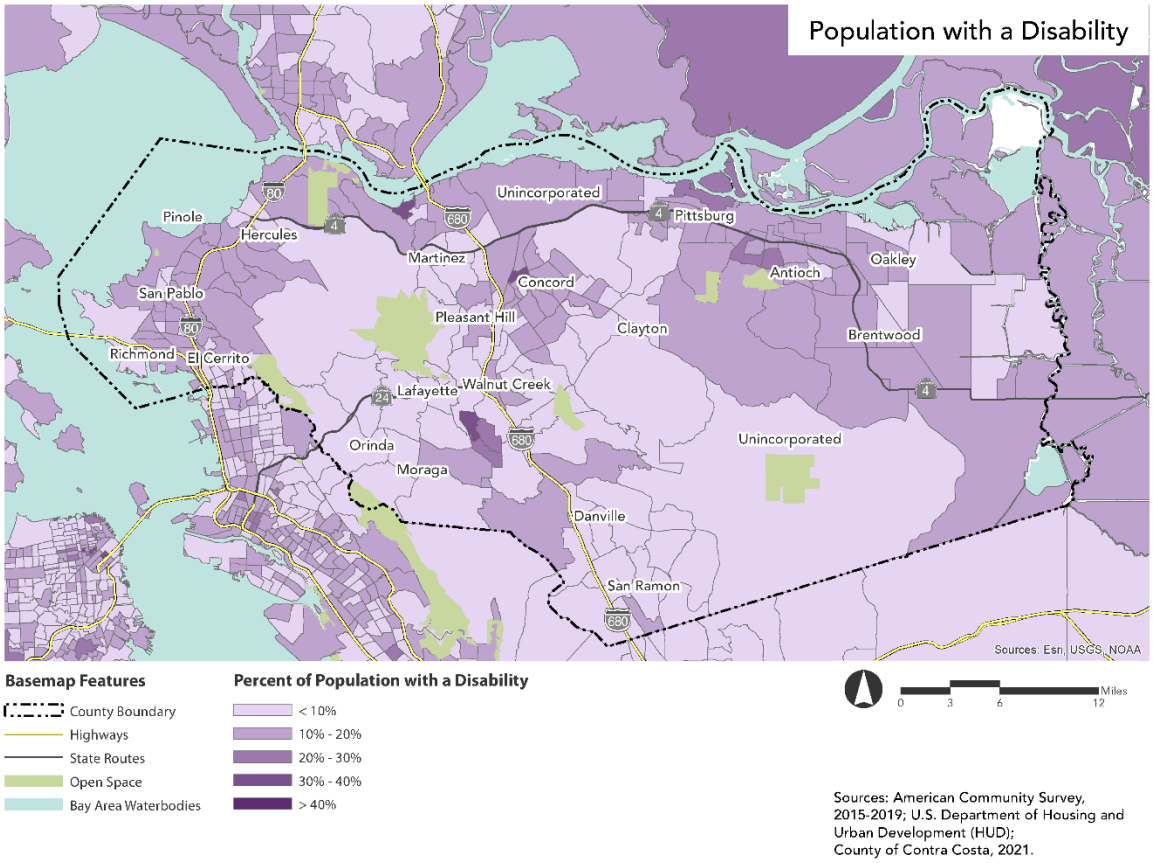
	Contra Costa County Percent with a Disability	Clayton Percent with a Disability
Civilian non-institutionalized population	11.2%	8.5%
Race/ Ethnicity		
Black or African-American alone	16%	4.7%
American Indian and Alaska Native alone	21.2%	0%
Asian alone	8%	7.9%
Native Hawaiian and Other Pacific Islander alone	9.6%	0%
Some other race alone	7.4%	9.6%
Two or more races	9.9%	3.1%
White alone, not Hispanic or Latino	12.2%	9%
Hispanic or Latino (of any race)	9.4%	8.4%
Age		
Under 5 years	0.5%	0%
5 to 17 years	4.9%	2.3%
18 to 34 years	6.6%	6.6%
35 to 64 years	10.1%	4.6%
65 to 74 years	21%	12.6%
75 years and over	47.2%	47.9%
Type		
Hearing difficulty	3.1%	3.4%
Vision difficulty	1.9%	0.4%
Cognitive difficulty	4.7%	3%
Ambulatory difficulty	5.7%	4.5%
Self-care difficulty	2.4%	2.3%
Independent living difficulty	5.4%	4.3%

Source: 2019 ACS 5-year Estimates, Table S1810

In terms of geographic dispersal, there is a relatively homogenous dispersal of persons with disability, especially in central Contra Costa County, where most census tracts have less than 10 percent of individuals with disabilities. Towards eastern Contra Costa County, the western boundary, and parts of southern Contra Costa County, however, the percentage of population with disabilities increases to 10 to 20 percent. Pockets where over 40 percent of the population has disabilities can be observed around Martinez, Concord, and the outskirts of Lafayette. Comparing Figure 7-3 and Figure 7-11, note that areas with a high percentage of populations with disabilities correspond with areas with high housing choice voucher concentration (24 percent of people who utilize housing choice vouchers, or HCVs, in Contra Costa County have a disability). Although use of HCVs does not represent a proxy for actual accessible units, participating landlords remain subject to the FHA to provide reasonable accommodations and allow

tenants to make reasonable modifications at their own expense. Areas with a high percentage of populations with disabilities also correspond to areas with high percentages of low-moderate income communities. The above demographic information indicates socioeconomic trends of populations of persons with disabilities.

Figure 7-3: Regional Populations of Persons with Disabilities by Tract (2019)



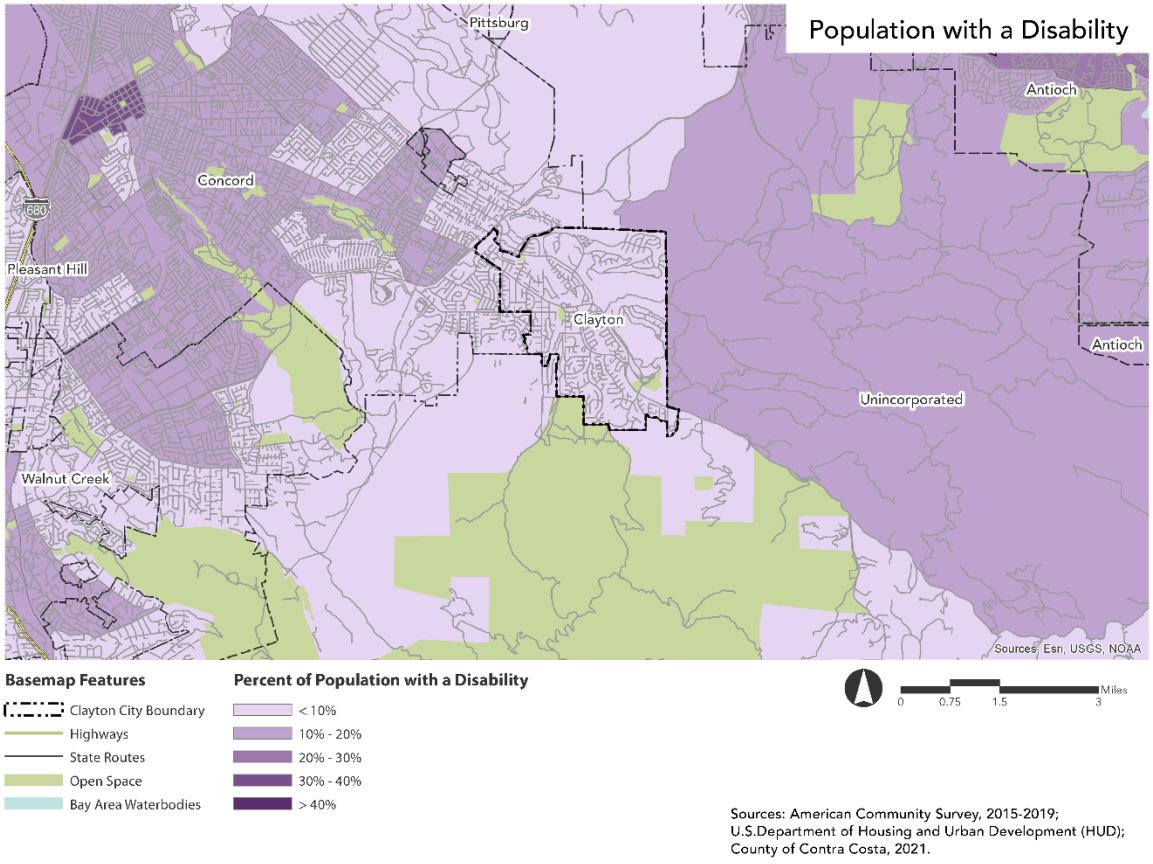
Local Trends

In Clayton, fewer than 10 percent of residents live with a disability. In Concord, most tracts have a 10 to 20 percentage of residents with a disability; one concentration of census tracts displays a percentage between 30 to 40 percent. In Pleasant Hill, few residents have disabilities, with most tracks below 10 percent and only a few concentrations of 10 to 20 percent. Similarly, census tracts in Walnut Creek largely report disability percentages 10 to 20 percent or below 10 percent. In Antioch, most tracts show 10 to 20 percent of residents with a disability. In one area, this percentage falls to below 10 percent, and in another area, the percentage is between 20 to 30 percent. Similarly in Pittsburg, much of the city shows rates of residents with a disability between 10 to 20 percent, with one concentration where this rate falls below 10 percent and another concentration with a rate between 20 to 30 percent. Rates of residents with a disability in the unincorporated area of Bay Point are below 10 percent and between 10 to 20 percent. The city of Martinez mostly has rates of residents with a disability below 10 percent and between 10 to

20 percent, but an area along the waterfront~~straits~~ has a rate greater than 40 percent. This area with elevated rates of residents with a ~~disability overlaps~~disability overlap with higher rates of low to moderate income levels (75 to 100 percent), higher rates of housing choice voucher usage (15 to 30 percent), lower household median outcome (less than $55,000), and higher rates of overpayment by rents (40 to 60 percent), suggesting a need for more resources for residents with disabilities.

As one means of addressing the specific needs of persons with disabilities, Clayton plans to develop~~ed~~ a pre-approved accessory dwelling unit (ADU) plan program to encourage the construction of ADUs throughout the City. Of the six plans, ~~one or more~~all or single-story and can be further adapted ~~will feature universal design~~ to accommodate the needs of ~~all~~ residents~~, including those~~ with disabilities. Additionally, "The Olivia at Marsh Creek" is a three-story housing project with 81 senior rental units which has been approved. Since the majority of residents with disabilities are those aged 75 years and older, this housing project will likely serve many residents with disabilities.

Figure 7-4: Percent of Population with a Disability – Clayton (2021)



Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Contra Costa, 2021.

FAMILIAL STATUS

Under the Fair Housing Act, housing providers may not discriminate because of familial status. Familial status covers the presence of children under the age of 18, pregnant persons, and any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children; evicting families once a child joins the family through birth, adoption, or custody; or requiring families with children to live on specific floors or in specific buildings or areas. Single-parent households are also protected by fair housing law.

Families with children often have special housing needs due to lower per capita income, the need for affordable childcare, the need for affordable housing, or the need for larger units with three or more bedrooms. Single-parent households are also protected by fair housing law. Of particular consideration are female-headed households, who may experience greater housing affordability challenges due to typically lower household incomes compared to two-parent households. Often, sex and familial status intersect to compound the discrimination faced by single mothers.

Regional Trends

In Contra Costa County, 24.3 percent of households have children under the age of 18 (Table 7-8). Within Contra Costa County, Clayton and Danville have the highest percentage of households with children (30.8 percent and 29.9 percent, respectively). Across all cities in Contra Costa County, there are higher percentages of single-parent female households than single-parent male households. Within the County, Danville and Walnut Creek have the highest percentages of single-parent female households (3.8 percent and 3.0 percent, respectively). While a lower overall percentage, Lafayette and Danville have the highest percentages of single-parent male households (1.9 percent and 1.1 percent, respectively).

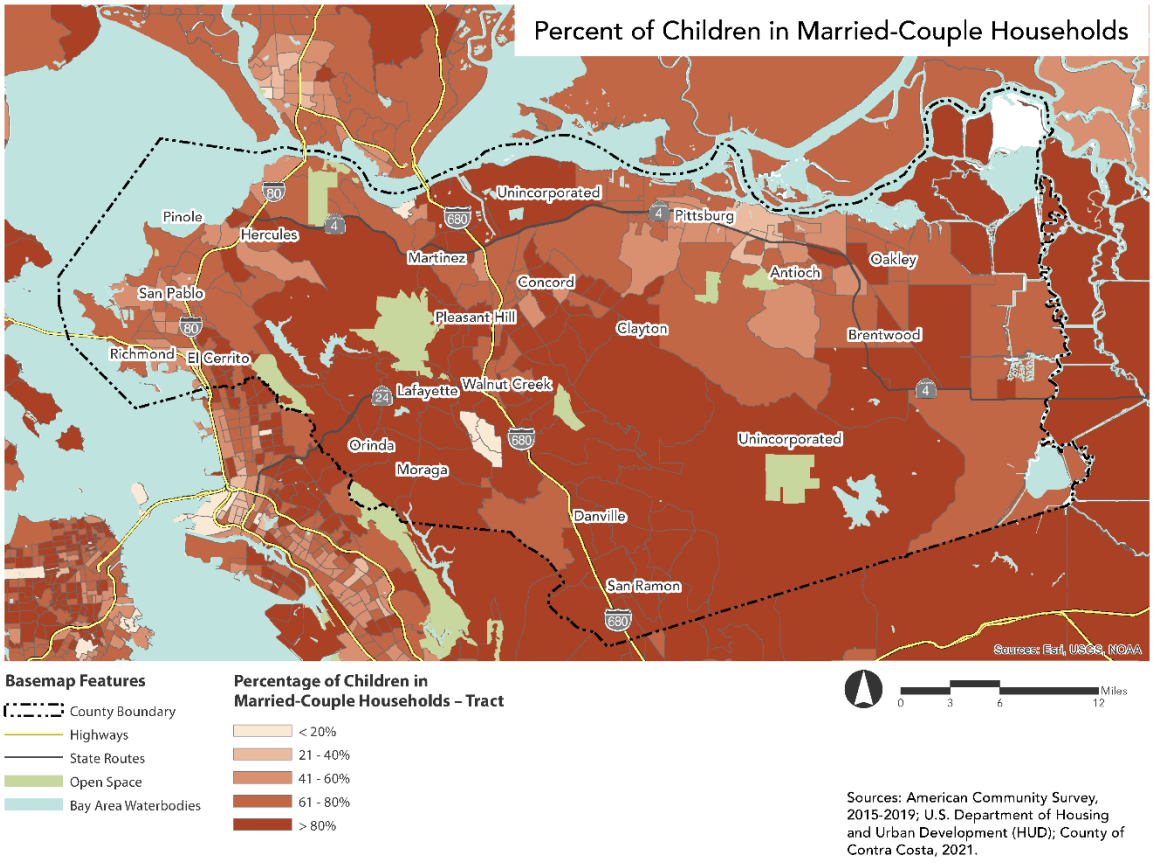
Table 7-8. Households with Children in Contra Costa County and Incorporated Cities

	Bay Area	Contra Costa County	Danville	Walnut Creek	Lafayette	Clayton
Married Couple with Children	23.8%	24.3%	29.9%	17.2%	29.2%	30.8%
Single-Parent, Male	2.3%	1.2%	1.1%	0.9%	1.9%	0.8%
Single-Parent, Female	5.7%	5%	3.8%	3%	2.2%	1.2%

Source: American Community Survey, 2015-2019 (5-Year Estimates), Table DP02

Figure 7-5 indicates that most children living in Contra Costa County live in married-couple households, especially in central parts of the county where the percentage of children in such households exceed 80 percent. Census tracts adjacent to these areas also have relatively high percentages of children living in married-couple households (60 to 80 percent). Census tracts with the lowest percentage of children in married-couple households (less than 20 percent) are located between Pittsburg and Antioch.

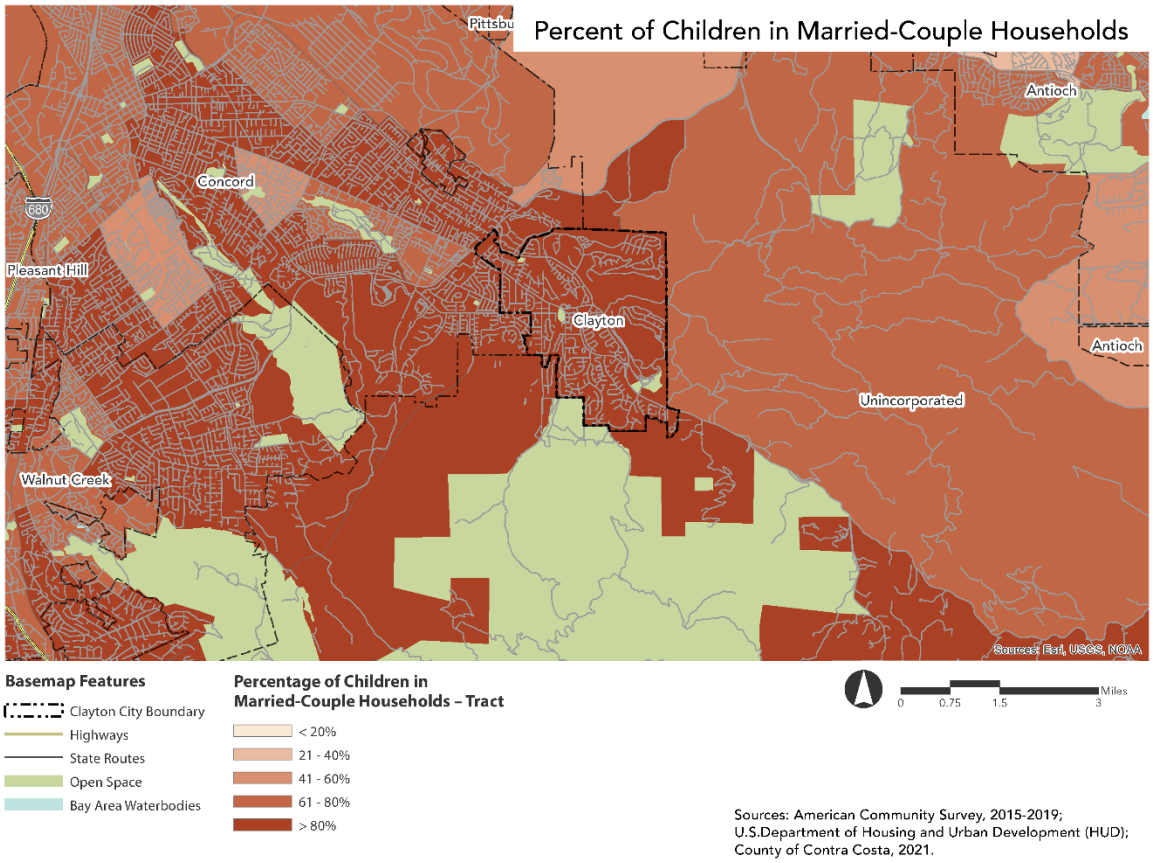
Figure 7-5: Regional Percentage of Children in Married-Couple Households by Tracts (2019)



Local Trends

All of Clayton has a rate of children in a married couple households above 80 percent (Figure 7-6). More than half of Concord census tracts are above 80 percent, while the rest are between 40 to 60 percent. The same breakdown is reflected in Pleasant Hill. The majority of Walnut Creek census tracts have children in a married couple household between 40 to 60 percent, while this goes up to 80 percent in a few tracts. Antioch has a wider range of rates of children in married-couple households, with rates of 21 to 40 percent, 41 to 60 percent, and a concentration of above 80 percent. In Pittsburg, most of the city shows rates between 41 to 60 percent, with some areas between 21 to 40 percent and 61 to 80 percent. The unincorporated area of Bay Point has rates of children in a married-couple household between 61 to 80 percent and above 80 percent. Martinez has a wider range of percentages. An area adjacent to the ~~coast~~waterfront has a rate of children in married-couple households below 20 percent. However, most of the city has rates between 61 to 80 percent and above 80 percent.

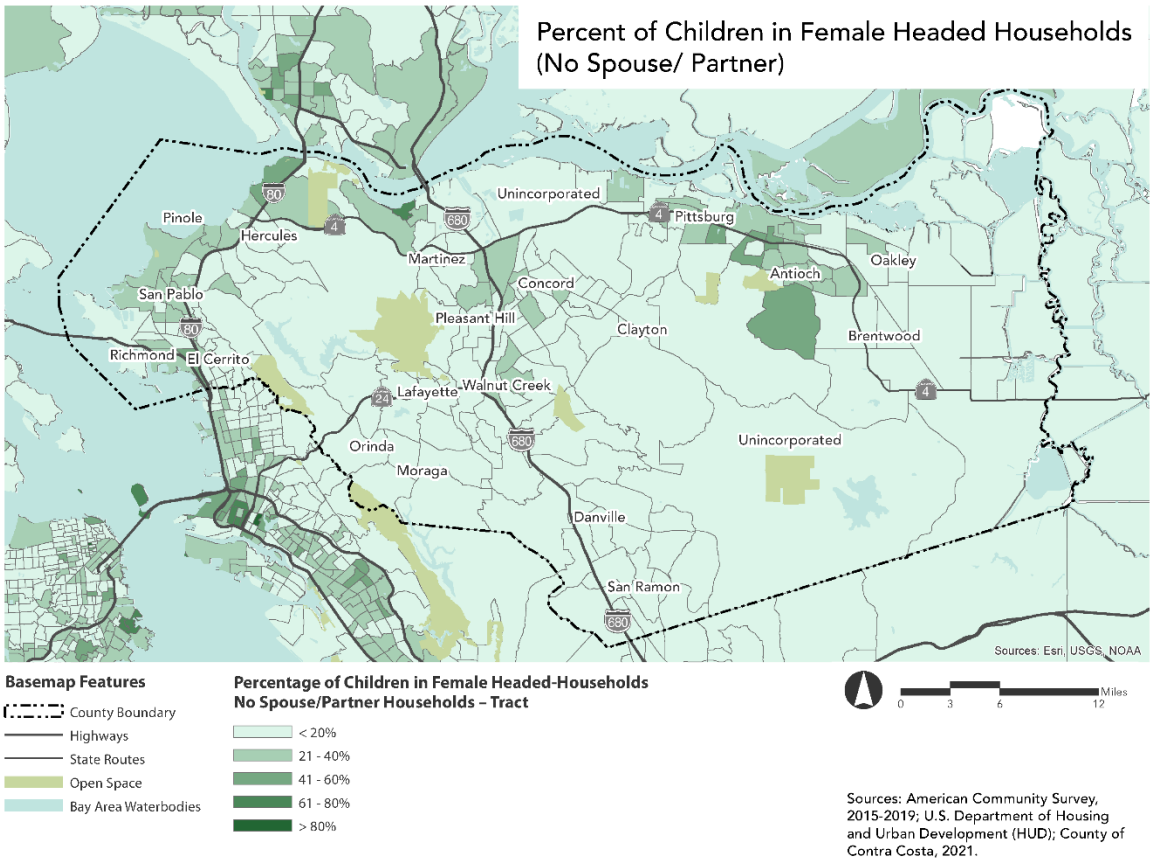
Figure 7-6: Percent of Children in Married-Couple Households – Clayton (2021)



Regional Trends

Figure 7-7 depicts the concentration of households headed by single mothers in the County by census tract. Areas of concentration include Richmond, San Pablo, Rodeo, Bay Point, Pittsburg, Antioch, and to the west of Concord. Those communities are also areas of high minority populations. By contrast, central County, in general, and the portions of central County to the south of Concord have relatively low concentrations of children living in female-headed households (less than 20 percent). These tend to be more heavily White or White and Asian and Pacific Islander communities.

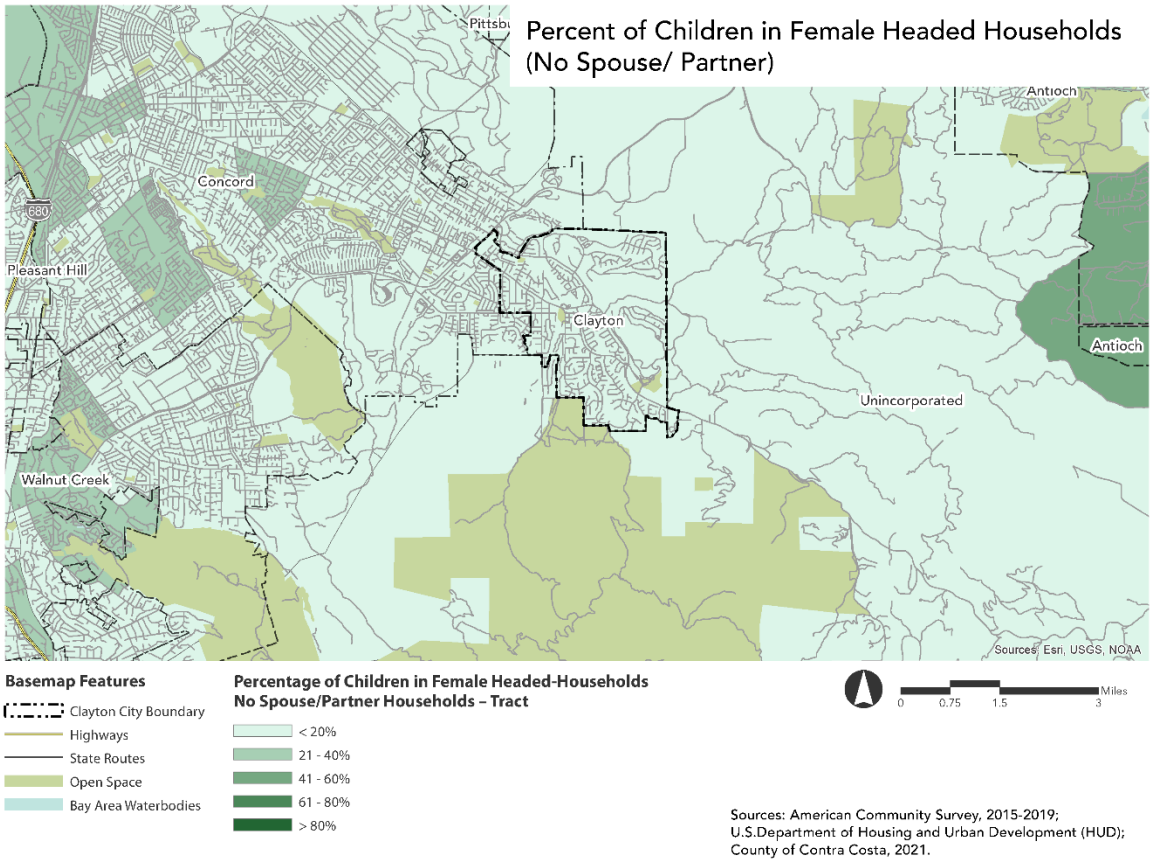
Figure 7-7: Regional Percent of Children in Female-Headed Households by Tract (2019)



Local Trends

In Clayton, the percent of children living in a female-headed household with no spouse/partner is below 20 percent for the entire City (Figure 7-8). Surrounding cities of Concord, Pleasant Hill, and Walnut Creek all have a few tracts where between 20 to 40 percent of households are female headed with no spouse. Cities and areas along the ~~straits~~ Carquinez Strait, Suisun Bay and San Joaquin River waterfronts show a wider range of percentages. The city of Antioch has a diversity of rates of children in female headed households, with rates below 20 percent, between 20 to 40 percent, and between 40 to 60 percent. Nearby Pittsburg shows similar percentage breakdowns, with percentages below 20 percent, between 20 to 40 percent, and between 40 to 60 percent. The unincorporated community of Bay Point displays percentages of below 20 percent and between 20 to 40 percent. Lastly, the city of Martinez mostly shows rates of children in female headed households below 20 percent, with a smaller area showing rates between 20 to 40 percent and an area along the ~~straits~~ waterfront showing rates between 60 to 80 percent.

Figure 7-8: Percent of Children in Female Headed Households – Clayton (2021)



INCOME LEVEL

Each year, HUD receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. Known as the "CHAS" data (Comprehensive Housing Affordability Strategy), it demonstrates the number of households in need of housing assistance by estimating the number of households that have certain housing problems and have income low enough to qualify for HUD's programs (primarily 30, 50, and 80 percent of median income). HUD defines a Low to Moderate Income (LMI) area as a census tract or block group where over 51 percent of the population is LMI (based on HUD income definition of up to 80 percent of the Area Median Income).

Regional Trends

Table 7-9 lists Contra Costa County households by income category and tenure. Based on the above definition, 38.7 percent of Contra Costa County households are considered LMI, as they earn less than 80 percent of the HUD Area Median Family Income (HAMFI). Almost 60 percent of all renters are considered LMI compared to 27.5 percent of owner households. In Clayton, 15.2 percent of owner and renter households are low or moderate income. A much larger percentage of renter households in Contra Costa County are low or moderate income (52.2 percent) compared to low- or moderate-income owner households (24.9 percent). This breakdown is reflected in Clayton as well, with 37.5 percent of renter

households earning low or moderate incomes and only 13.9 percent of owner households earning low or moderate incomes. Overall, Clayton has a much larger percentage of owner and renter households earning above the area median income (79.8 percent) compared to the County (56.4 percent).

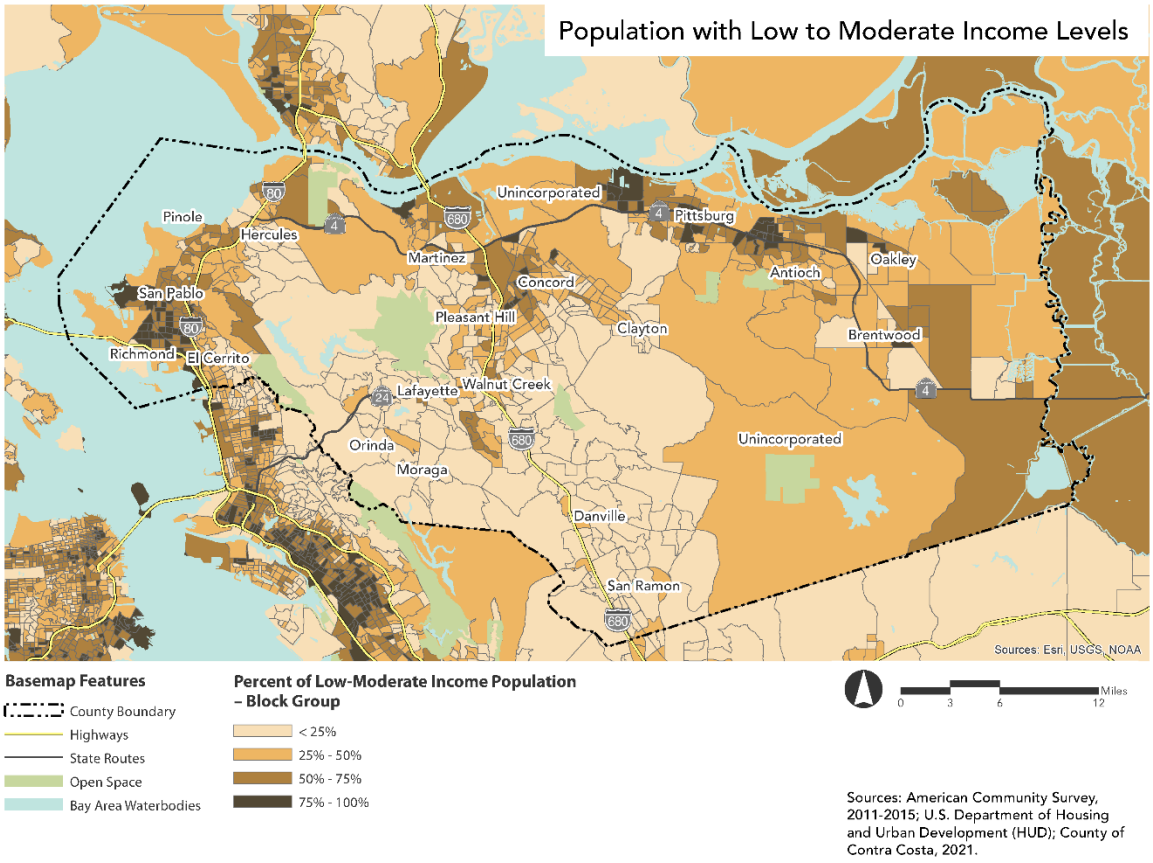
Table 7-9. Contra Costa County and Clayton Households by Income Category and Tenure

Contra Costa County			
Income Category	**Owner**	**Renter**	**Total**
0%-30% of AMI	6.5%	23.4%	12.3%
31%-50% of AMI	8.2%	15%	10.5%
51%-80% of AMI	10.2%	13.8%	11.4%
81%-100% AMI	8.3%	10.7%	9.1%
Greater than 100% of AMI	66.7%	36.8%	56.4%
Total	**257,530**	**134,750**	**392,275**
Clayton			
Income Category	**Owner**	**Renter**	**Total**
0%-30% of AMI	4.9%	5.3%	5%
31%-50% of AMI	4.4%	19.6%	5.4%
51%-80% of AMI	4.4%	8.9%	4.7%
81%-100% AMI	4.3%	12.5%	4.8%
Greater than 100% of AMI	81.7%	53.5%	79.8%
Total	**3,920**	**280**	**4,200**

Source: HUD CHAS (based on 2014-2018 ACS), 2020.

Figure 7-9 shows the LMI areas in Contra Costa County by block group. Most of central Contra Costa County has less than 25 percent of LMI populations. Block groups with high concentrations of LMI (between 75 and 100 percent of the population) can be found clustered around Antioch, Pittsburg, Richmond, and San Pablo. There are also small pockets with high percentages of LMI population around Concord. Other areas of the county have a moderate percentage of LMI population (25 to 75 percent).

Figure 7-9: Regional Concentrations of LMI Households by Tract (2015)



Local Trends

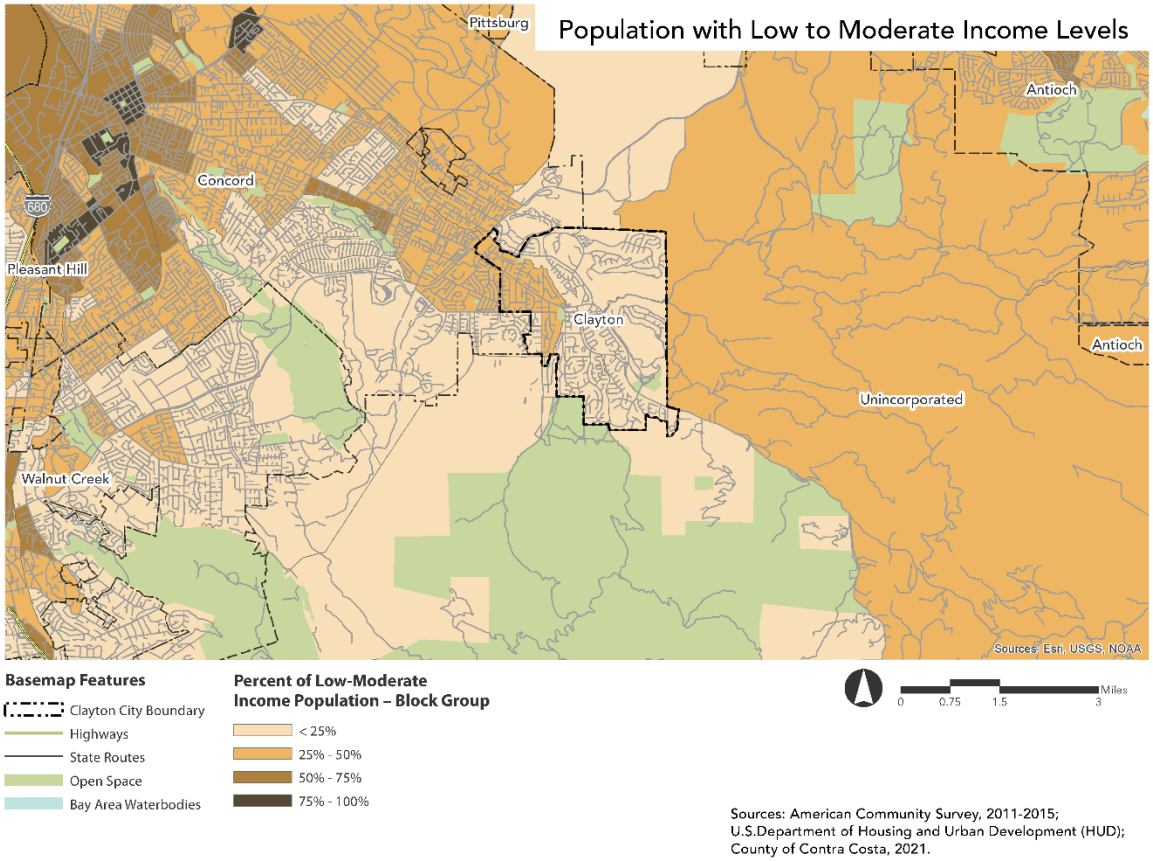
In Clayton, almost all census tracts have a less than 25 percent LMI population. In the western part of Clayton, there are tracts where the LMI population rises to 25 to 50 percent. Part of this area also overlaps with higher rates of housing choice voucher use (5 to 15 percent) (Figure 7-13), slightly lower median incomes (less than $125,000) (Figure 7-19), and higher rates of overpayment by renters (20 to 40 percent) (Figure 7-36).

The surrounding cities of Concord, Pleasant Hill, and Walnut creek have more LMI populations than Clayton. The majority of Concord census tracts have between 25 to 50 percent LMI populations, and a sizeable concentration of tracts where this percentage rises to 50 to 75 percent and 75 to 100 percent LMI populations. Pleasant Hill has a similar breakdown of census tracts to Concord, while Walnut Creek mainly has census tracts with less than 25 percent and 25 to 50 percent LMI populations, with a small section of 50 to 75 percent LMI populations.

Unlike Clayton, cities and areas along the ~~straits~~ Carquinez Strait, Suisun Bay and San Joaquin River waterfronts show higher rates of LMI levels. The city of Antioch shows rates of LMI populations between 25 to 50 percent, 50 to 75 percent, a concentration between 75 to 100 percent, and a small area below 20. The nearby city of Pittsburg shows similar LMI rates, with a small area below 20 percent, areas

between 25 to 50 percent, 50 to 75 percent, and concentrations between 75 to 100 percent. The unincorporated area of Bay Point shows rates between 25 to 50 percent, 50 to 75 percent, and 75 to 100 percent. The city of Martinez displays the complete range of rates of LMI population.

Figure 7-10: Population with Low to Moderate Income Levels - Clayton (2021)



HOUSING CHOICE VOUCHERS

Housing Choice Vouchers (HCVs) are a form of HUD rental subsidy issued to a low-income household that promises to pay a certain amount of the household's rent. Prices, or payment standards, are set based on the rent in the metropolitan area, and voucher households must pay any difference between the rent and the voucher amount. Participants of the HCV program are free to choose any rental housing that meets program requirements

An analysis of the trends in HCV concentration can be useful in examining the success of the program in improving the living conditions and quality of life of its holders. Key objectives of the HCV program are to encourage participants to avoid high poverty neighborhoods and encourage the recruitment of landlords with rental properties in low poverty neighborhoods. HCV programs are managed by Public Housing Agencies (PHAs), and the programs assessment structure (SEMAPS) includes an "expanding housing

opportunities" indicator that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration.

A study prepared by HUD's Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration and a negative association between rent and neighborhood poverty[1]. This means that HCV use was concentrated in areas of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

Regional Trends

In Contra Costa County, the Housing Authority of Contra Costa County (HACCC) administers approximately 7,000 units of affordable housing under the HCV program (and Shelter Care Plus program). Northwest Contra Costa County is served by the Richmond Housing Authority (RHA) that administers approximately 1,851 HCVs. East Contra Costa County is served by the Housing Authority of the City of Pittsburg (HACP), which manages 1,118 tenant-based HCVs. HCV recipients who live outside of Pittsburg must live within the jurisdiction for the first year after which portability outside of Pittsburg is available.

The HCV program serves as a mechanism for bringing otherwise unaffordable housing within reach of low-income populations. With reference to Figure 7-11, the program appears to be most prominent in western Contra Costa County, in heavily Black and Hispanic areas, and in the northeast of the County, in predominantly Black, Hispanic, and Asian areas. Central Contra Costa County largely has no data on the percentage of renter units with HCVs. The correlation between low rents and a high concentration of HCV holders holds true for the areas around San Pablo, Richmond, Martinez, Pittsburg, and Antioch.

[1] Devine, D.J., Gray, R.W., Rubin, L., & Taghavi, L.B. (2003). *Housing choice voucher location patterns: Implications for participant and neighborhood welfare*. Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Division of Program Monitoring and Research.

Figure 7-11: Regional Housing HCV Concentration by Tract in Contra Costa County (2021)

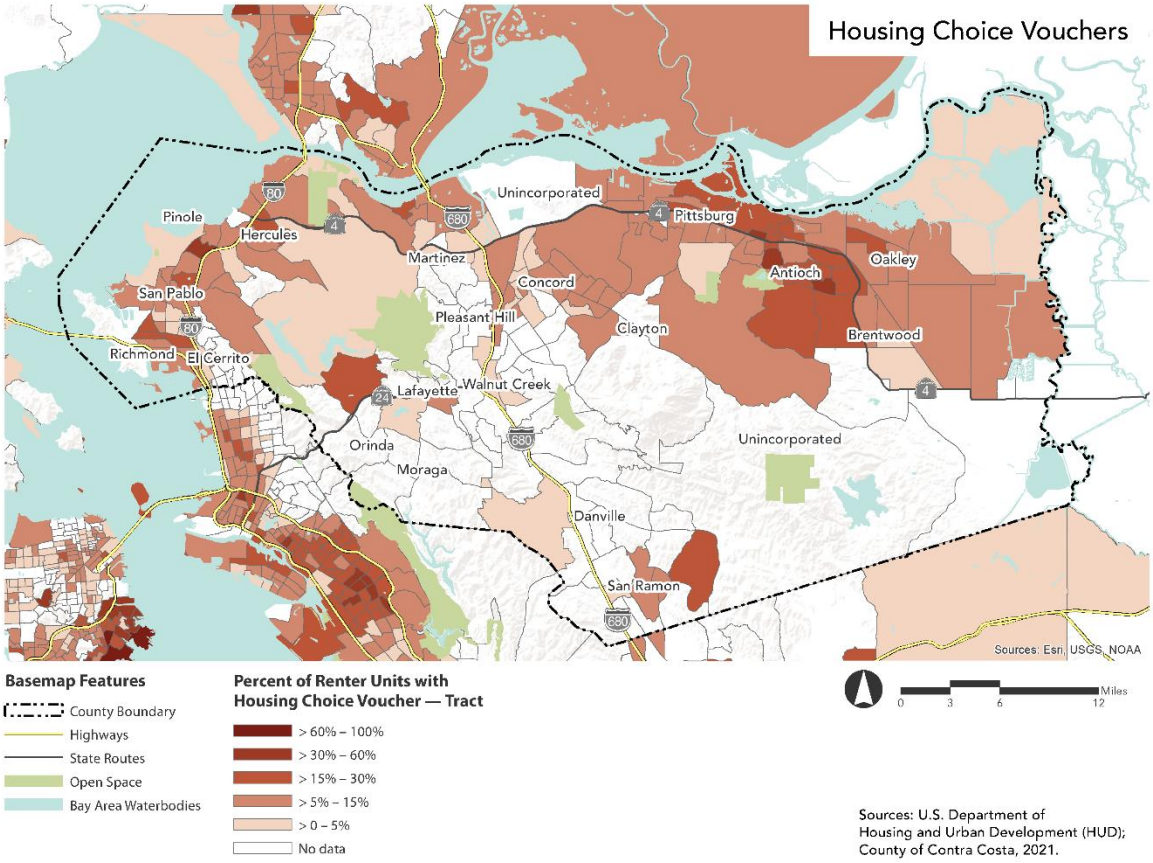


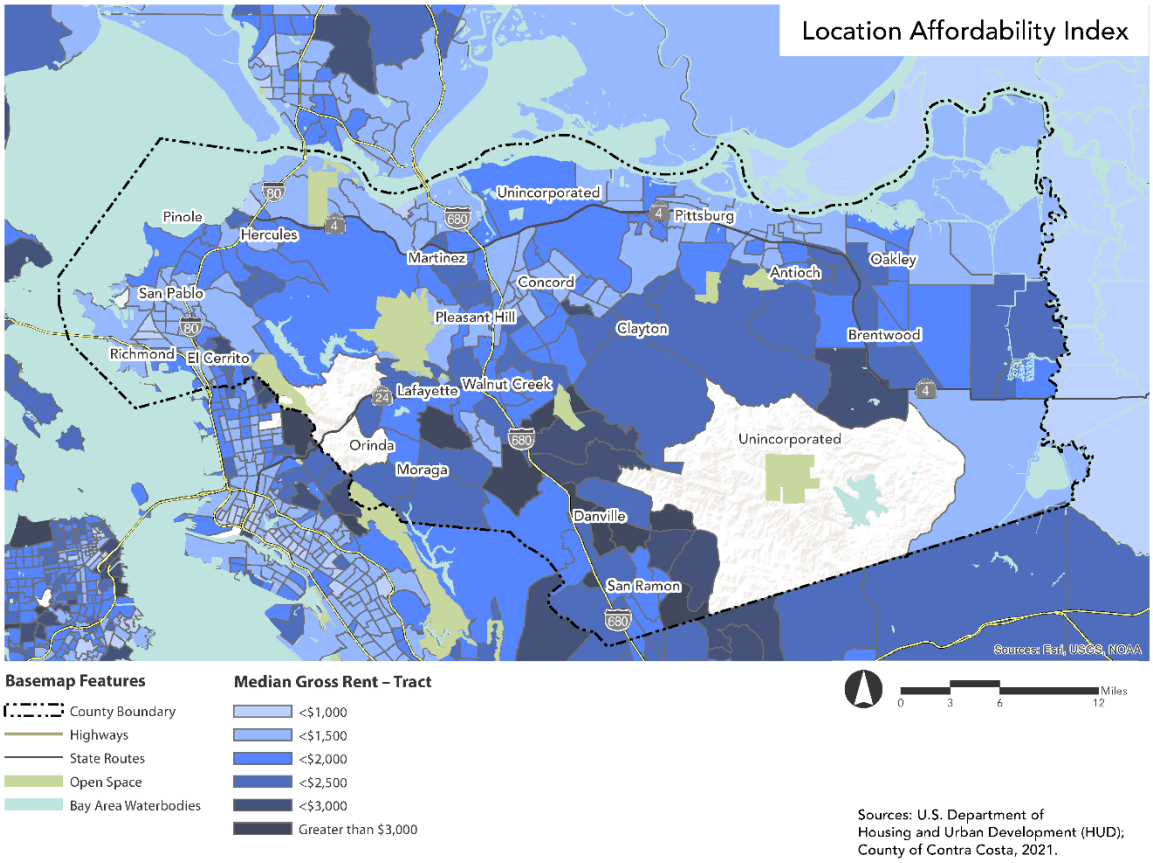
Figure 7-12 shows the Location Affordability Index in Contra Costa County. The index was developed by HUD in collaboration with the Department of Transportation under the federal Partnership for Sustainable Communities. One objective of the partnership is to increase public access to data on housing, transportation, and land use. Before this index was established, there was no standardized national data source on household transportation expenses, which limited the ability of homebuyers and renters to fully account for the cost of living in a particular city or neighborhood.

The prevailing standard of affordability in the United States is paying 30 percent or less of a household's income on housing. However, this prevailing standard fails to account for transportation costs, and transportation costs have grown significantly as a proportion of household income since the standard was established. According to the Bureau of Labor Statistics, in the 1930s, American households spent just 8 percent of their income on transportation. Since then, as a substantial proportion of the U.S. population has migrated from center cities to surrounding suburbs and exurbs and come to rely more heavily (or exclusively) on cars, that percentage has steadily increased, peaking at 19.1 percent in 2003. As of 2020, households spent on average about 17.4 percent of their annual income on transportation, second only

to housing costs in terms of budget impact.[2] And for many working-class and rural households, transportation costs actually exceed housing costs.

In Contra Costa County, most of the county has a median gross rent of $2,000 to $2,500. Central Contra County (areas between Danville and Walnut Creek) have the highest rents, or around $3,000 or more. The most affordable tracts in the county are along the perimeter of the County in cities like Richmond, San Pablo, Martinez, Pittsburg, Antioch and Oakley. There are also some areas in the central part of the county with more affordable rents like Concord and sections of Walnut Creek.

Figure 7-12: Regional Median Gross Rent/Affordability Index by Tract (2021)



Local Trends

In Clayton, data report virtually no HCV use (Figure 7-13) except for a concentration of higher HCV use (five to 15 percent) one portion of the very western edge of the City. This higher rate may reflect spillover from the surrounding City of Concord since, within Clayton, these census tracts correspond to lower rates of overpayment by renters (20 to 40 percent). Most of Concord has between five to 15 percent HCV use,

[2] U.S. Department of Transportation, Bureau of Transportation Statistics, https://data.bts.gov/stories/s/ida7-k95k, accessed 4/26/22.

with a few areas of 0 to 5 percent. Like Clayton, Pleasant Hill has a few areas of HCV use except between five to 15 percent along its western edge. Walnut Creek has a concentration of HCV use between five to 15 percent along Interstate 680. Housing choice voucher use increases north of Clayton. In the ~~C~~city of Antioch, most of the city shows HCV usage rates between 15 to 30 percent, with some areas between 5 to 15 percent, and a few concentrations of 30 to 60 percent HCV use. The city of Pittsburg similarly shows rates of HCV use: between 5 to 15 percent and 15 to 30 percent. The unincorporated area of Bay Point shows rates of 5 to 15 percent HCV use. Lastly, the city of Martinez shows a wide range of HCV usage. Large areas of the southern part of the city show no HCV use, central parts of the city show usage between 0 to 5 percent and 5 to 15 percent, with an area adjacent to the ~~straits~~ waterfront showing HCV usage rates between 15 to 30 percent.

The entire City of Clayton reports median gross rents of between $2,000 to $2,500. Concord has rents between $1,500 to $2,000, while Pleasant Hill has rents between $1,500 and $2,500 and Walnut Creek between $2,000 to $2,500. Concord appears to be slightly more affordable for renters than Clayton and nearby cities. Median gross rent is much more varied among cities to the north and is more affordable than in Clayton. The c~~C~~ity of Antioch shows a range of median gross rent, with the southern part of the city mostly showing rents between $2,000 and $2,500. Central and northern Antioch show rates between $1,500 and $2,000. The city of Pittsburg has median gross rental rates between $1,500 and $2,000. The same rates can be seen in the unincorporated area of Bay Point. In Martinez, areas closer to the ~~coast~~waterfront are more affordable with median rents~~:~~ between $1,000 and $1,500 and increasing to between $2,000 and $2,500~~0~~ in central and southern Martinez.

Figure 7-13: Housing Choice Vouchers - Clayton (2021)

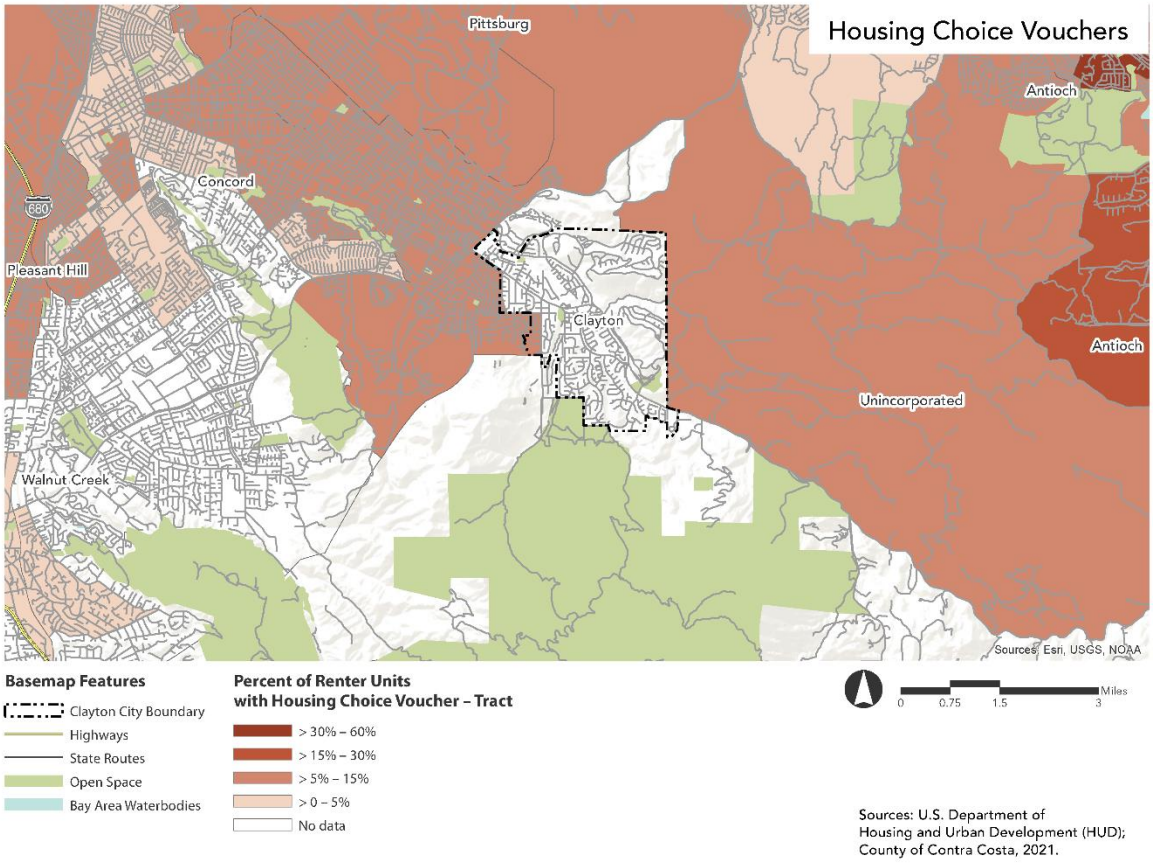
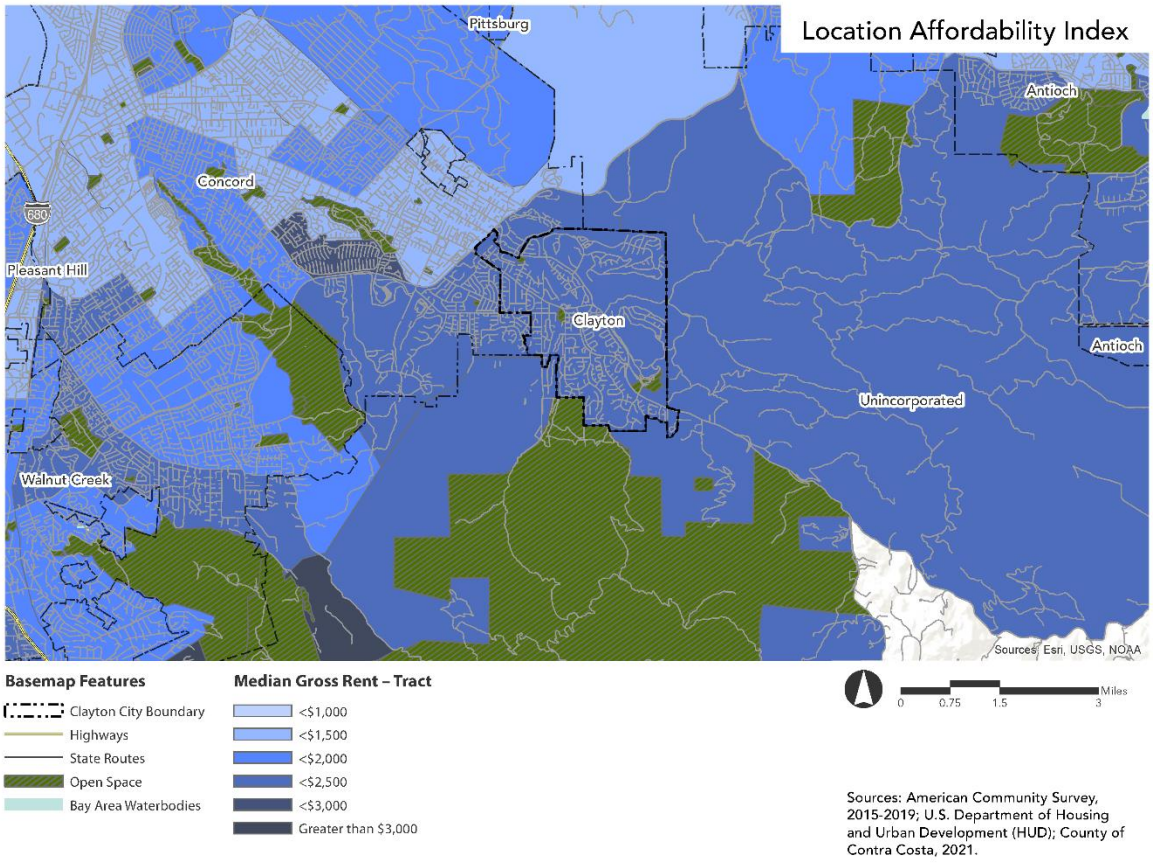


Figure 7-14: Location Affordability Index - Clayton (2021)

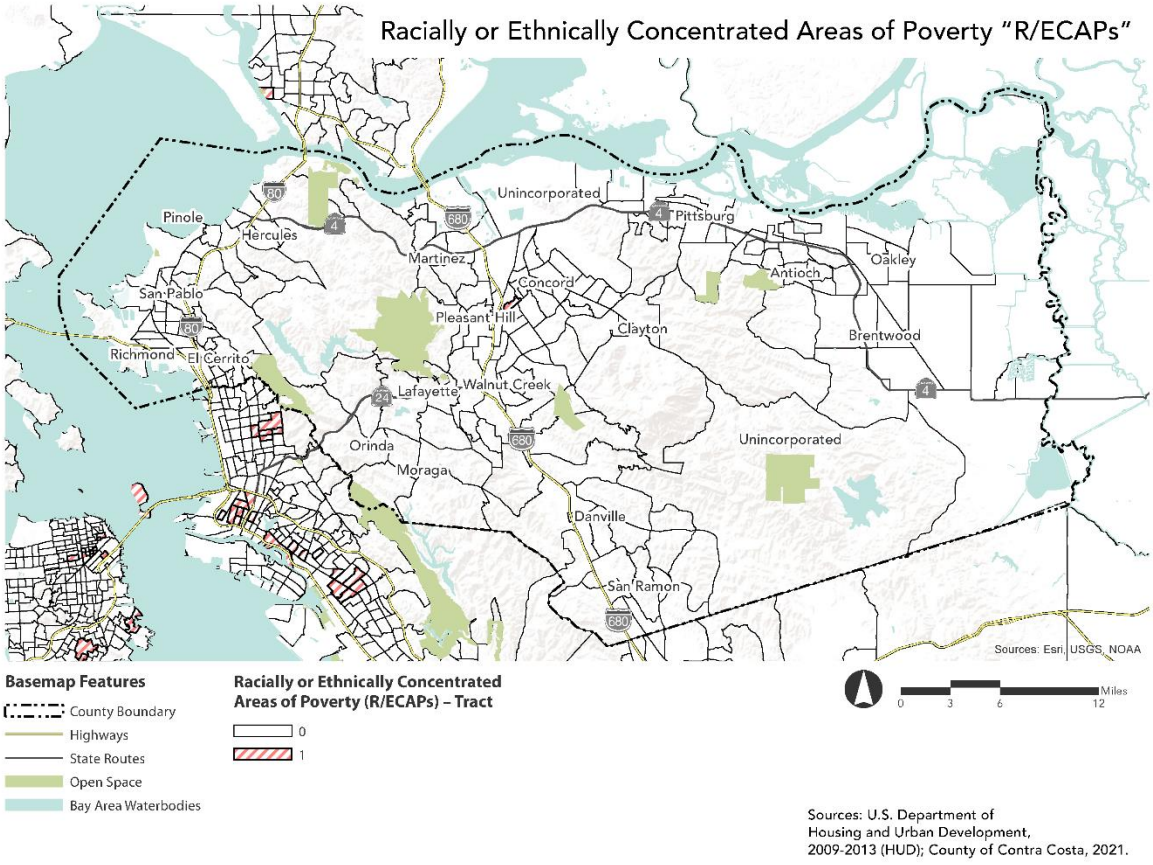


RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAP)

Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs) are geographic areas with significant concentrations of poverty and minority populations. HUD developed a census-tract based definition of R/ECAP that relies on a racial and ethnic concentration threshold and a poverty test. The threshold states that an area with a non-White population of 50 percent or more would be identified as a R/ECAP; the poverty test defines areas of extreme poverty as areas where 40 percent or more of the population live below the federal poverty line or where the poverty rate is three times the average poverty rate for the metropolitan area (whichever is lower). Thus, an area that meets either the racial or ethnic concentration, and the poverty test would be classified as a R/ECAP. Identifying R/ECAPs facilitates an understanding of entrenched patterns of segregation and poverty due to the legacy effects of historically racist and discriminatory housing laws.

In Contra Costa County, the only area that meets the official definition of a R/ECAP is Monument Corridor in Concord (highlighted with red stripes in Figure 7-15).

Figure 7-15: Regional Racially and Ethnically Concentrated Areas of Poverty "R/ECAPs" (2021)



EXPANDED R/ECAPS IN CONTRA COSTA COUNTY

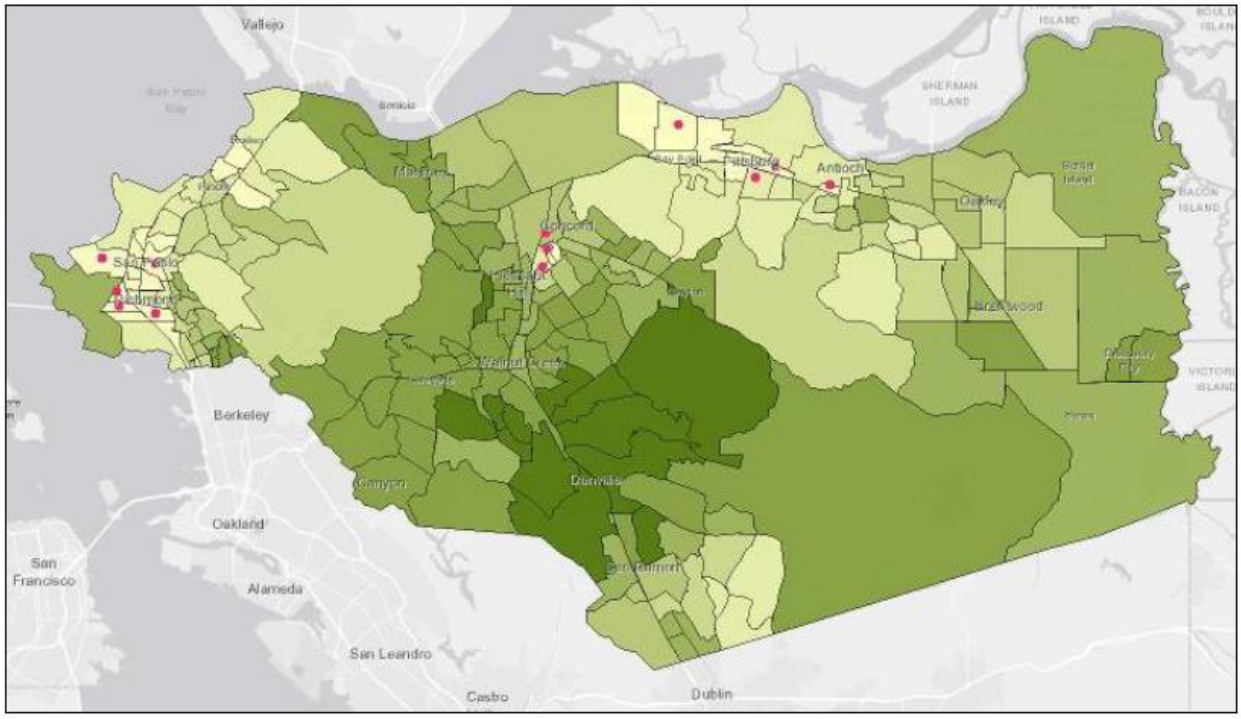
The HUD definition that utilizes the federal poverty rate is not suitable for analysis in the San Francisco Bay Area due to the high cost of living, according to the 2020 Contra Costa County AI. The HUD definition would severely underestimate whether an individual is living in poverty. The Contra Costa County AI proposes an alternate definition of a R/ECAP that includes majority-minority census tracts that have poverty rates of 25 percent or more. Under this definition, 12 additional census tracts (relative to using the HUD standard alone) would qualify as R/ECAPs in the areas of Antioch, Bay Point, Concord, Pittsburg, North Richmond, Richmond, and San Pablo (refer to Figure 7-16).

According to the 2012-2016 ACS, 69,326 people lived in these expanded R/ECAPs, representing 6.3 percent of the County's population. Hispanic and Black populations make up a disproportionately large percentage of residents who reside in R/ECAPs compared to the population of the County or region as a whole. In Contra Costa County, approximately 53 percent of individuals living in R/ECAPs are Hispanic, nearly 18 percent are Black, 19.57 percent are Mexican American, 4.65 percent are Salvadoran American, and 1.49 percent are Guatemalan American. Families with children under 18 still in the household make up almost 60 percent of the population in Contra Costa County's R/ECAPs, significantly higher than neighboring metropolitan areas of San Francisco, Oakland, and Hayward. To those already living in

poverty, the higher rate of dependent children in their households would translate to a greater strain on their resources.

Figure 7-16: Expanded R/ECAPs in Contra Costa County

~~*Figure 7-16: Expanded R/ECAPs in Contra Costa County*~~



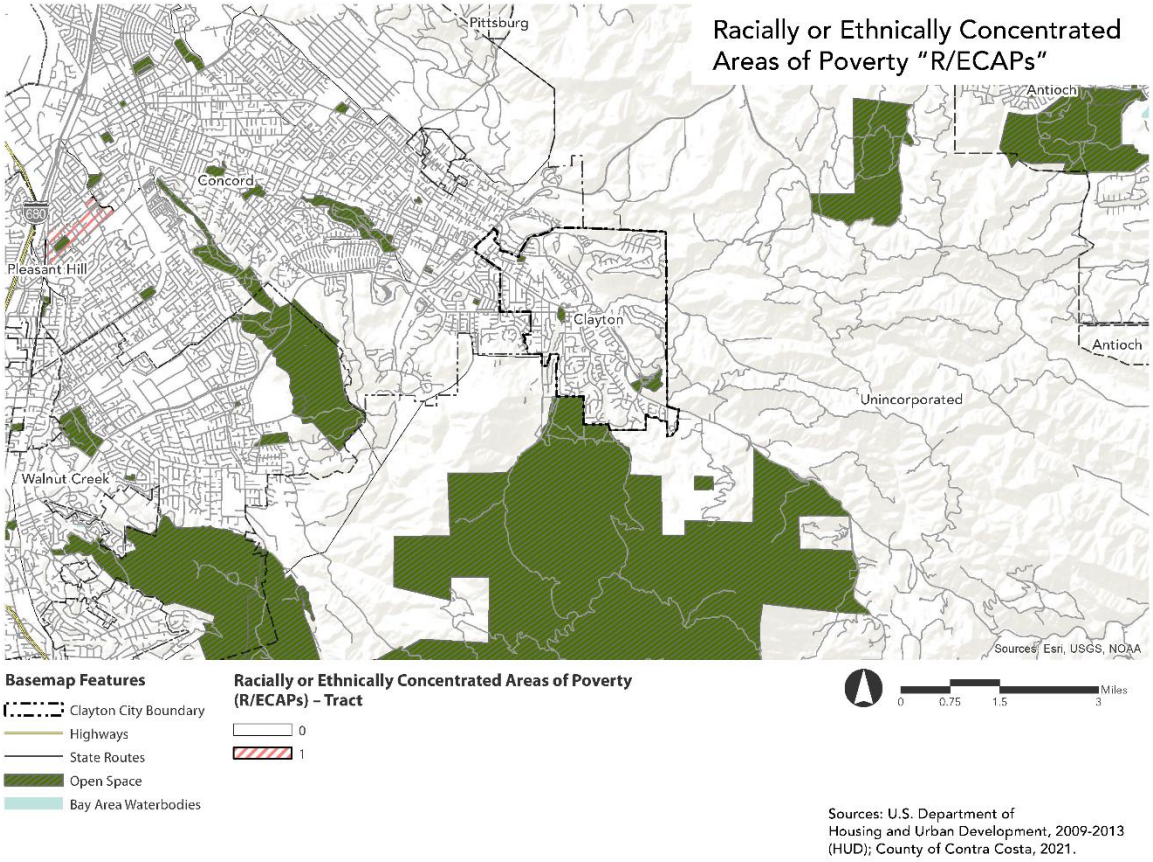
Source: Contra Costa County Analysis of Impediments to Fair Housing Choice January 2020-2025 (2020 AI).

Note: The 2020 AI does not provide a legend for the map shown above nor does it name the specific 12 additional R/ECAPs identified. The map shows the general location of the expanded R/ECAPs identified in the County.

Local Trends

There are no R/ECAP areas in Clayton (Figure 7-17).

Figure 7-17: Racially or Ethnically Concentrated Areas of Poverty "R/ECAPs" - Clayton (2021)



RACIALLY CONCENTRATED AREAS OF AFFLUENCE (RCAAS)

Racially Concentrated Areas of Affluence (RCAAs) are defined by HUD as communities with a large proportion of affluent and non-Hispanic White residents. According to a policy paper published by HUD, non-Hispanic Whites are the most racially segregated group in the United States. In the same way that neighborhood disadvantage is associated with concentrated poverty and high concentrations of people of color, distinct advantages are associated with residence in affluent, White communities. ~~RCAAs are currently not available for mapping on the AFFH Data Viewer. As such, an alternate definition of RCAA from the University of Minnesota Humphrey School of Public Affairs is used in this analysis. RCAAs are defined as census tracts where: 1) 80 percent or more of the population is White; and 2) the median household income is $125,000 or greater (slightly more than double the national median household income in 2016).~~

Regional Trends

~~A comparison of Figure 7-1 and Figure 7-19 identifies a string of RCAAs running from Danville to Lafayette then tapering toward Walnut Creek. This aligns with the cities' racial demographic and median income (summarized in Table 7-10). Although not all census tracts/block groups meet the criteria to qualify as RCAAs, there is a tendency for census block groups with higher White populations to have higher median incomes throughout the county.~~

Figure 7-18 depicts RCAAs within Contra Costa County. According to the AFFH Data Viewer,~~.~~ ~~T~~the cities of Clayton, Danville, and Lafayette are considered RCAA~~'~~s. Portions of Brentwood, San Ramon, Concord, Walnut Creek, Pleasant Hill, and Martinez are considered RCAA~~'~~s. RCAA~~'~~s are mostly concentrated in the central part of the County, with very little presence in cities along the ~~straits~~San Joaquin River, Suisun Bay and Carquinez Strait.

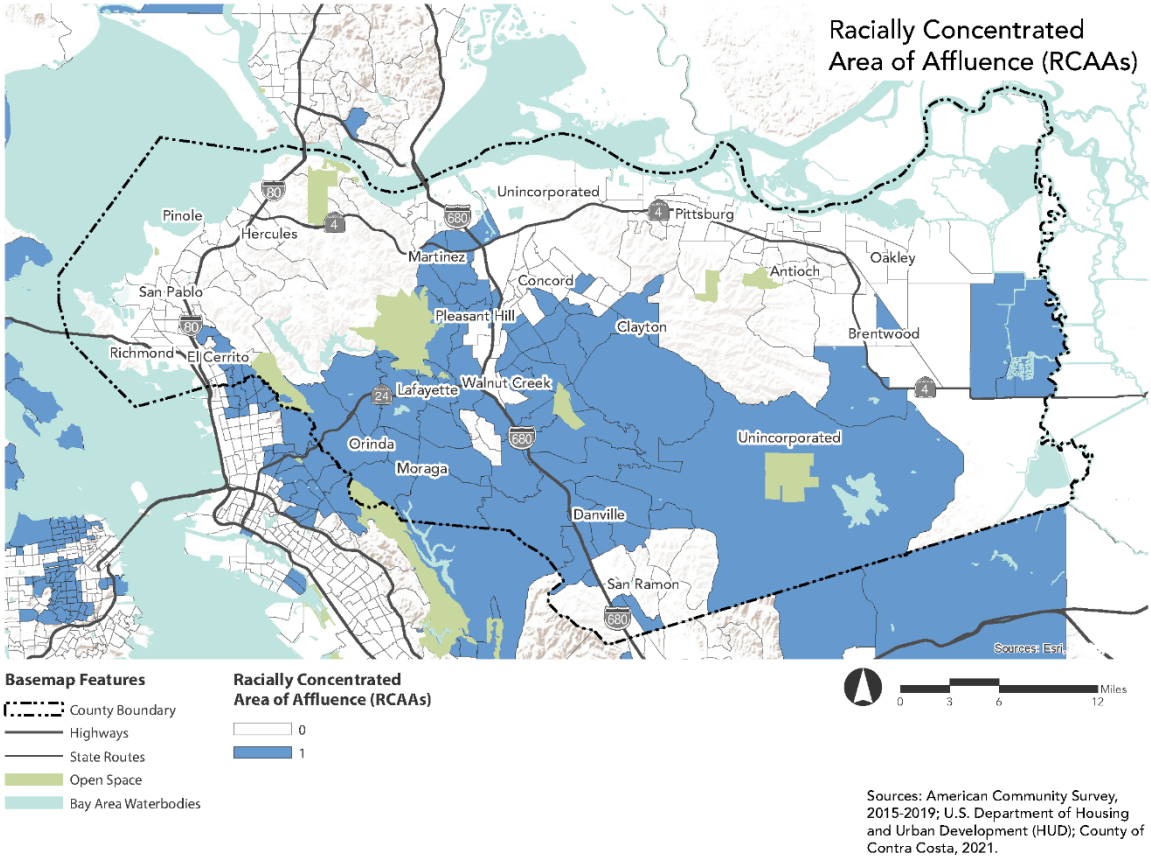
~~*Table 7-10: White Population and Median Household Income of RCAAs in Contra Costa County*~~

~~City~~	~~White Population~~	~~Median Household Income (2019)~~
~~Danville~~	~~80.53%~~	~~$160,808~~
~~Lafayette~~	~~81.23%~~	~~$178,889~~
~~Walnut Creek~~	~~74.05%~~	~~$105,948~~

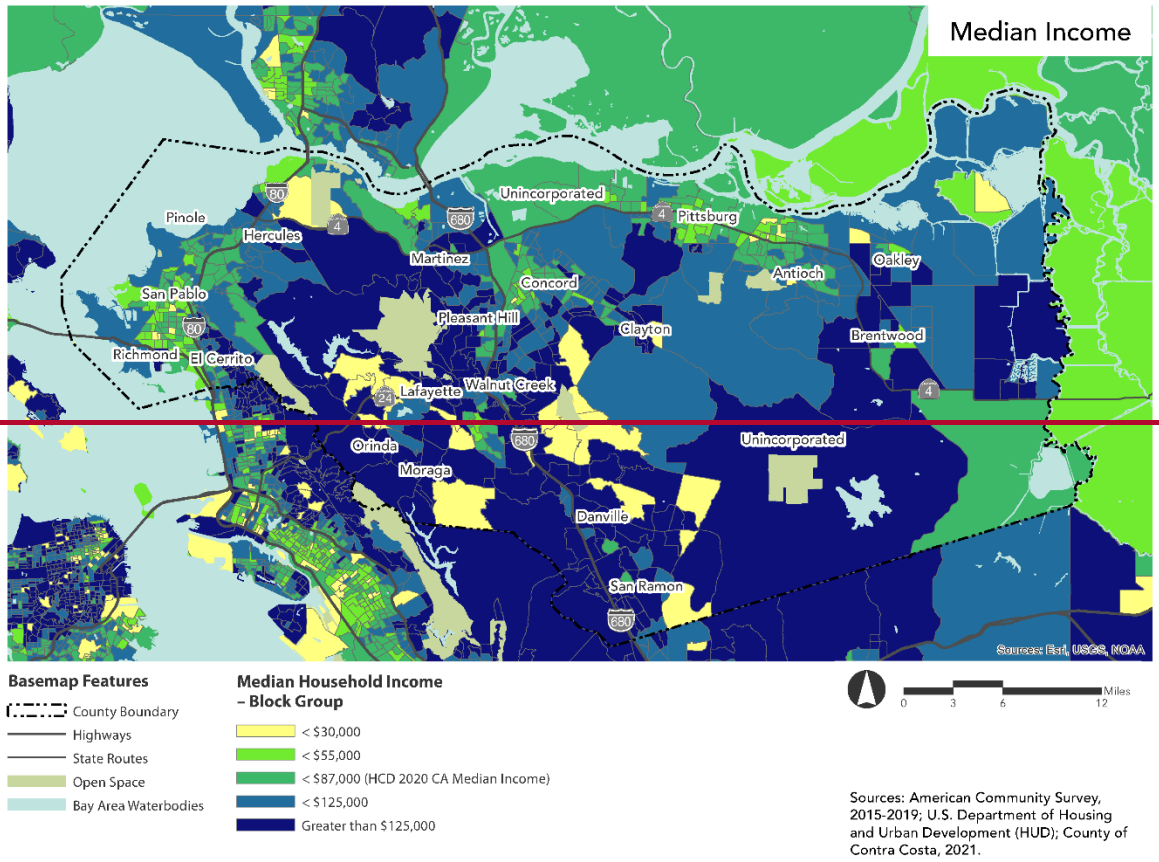
~~*Source: DataUSA.io (2019)*~~

~~*Figure 7-18: Regional Median Income by Block Group (2021)*~~

Figure 7-18: RCAA in Contra Costa County (2021)



Sources: American Community Survey, 2015-2019; U.S. Department of Housing and Urban Development (HUD); County of Contra Costa, 2021.



Local Trends

~~The northern and southern areas of Clayton have census tracts with a median income greater than $125,000. The western part of the City has a concentration of census tracts where the median income is below $125,000. This western part of the City overlaps with census tracts that have a higher percentage of LMI populations (25 to 50 percent). The eastern side of Clayton has a concentration of tracts with no data about median income. The nearby City of Concord has lower median incomes than Clayton. Most of Concord has census tracts with income below $125,000. There is a concentration of tracts near State Route 242 where the median income is below $87,100 (the State median income) and below $55,000. Pleasant Hill has median incomes mostly greater than or just below $125,000, with a few areas of income below $87,100 near I-680 and a small concentration below $30,000. Walnut Creek mostly has areas with a median income above $125,000 or just below $125,000, with three concentrations of areas where the median income is $87,100 in the southern part of Clayton. These areas have higher numbers of multifamily and rental units along Creekside Drive and Walker Avenue and Rossmore retirement living community.~~

The entire City of Clayton is defined as a RCAA, reflecting the high percentage of non-Hispanic White residents and high-income households. The southern part of the ~~C~~city of Concord bordering Walnut Creek is also considered a RCAA, along with a concentration in central Concord. The majority of the c~~C~~ity of Pleasant Hill is an RCAA (apart from the southern part of the city). Much of Walnut Creek is also identified as a RCAA, with the exception of the central part of the city along Interstate 680. As for the

waterfront~~coastal~~ cities and areas of Antioch, Pittsburg, Bay Point, and Martinez, only southern Martinez bordering Pleasant Hill is identified as a RCAA. This pattern is reflective of higher percentages of non-White residents and lower household incomes in these communities, resulting in less advantaged communities.

~~*Figure 7-19: Median Income – Clayton (2021)*~~

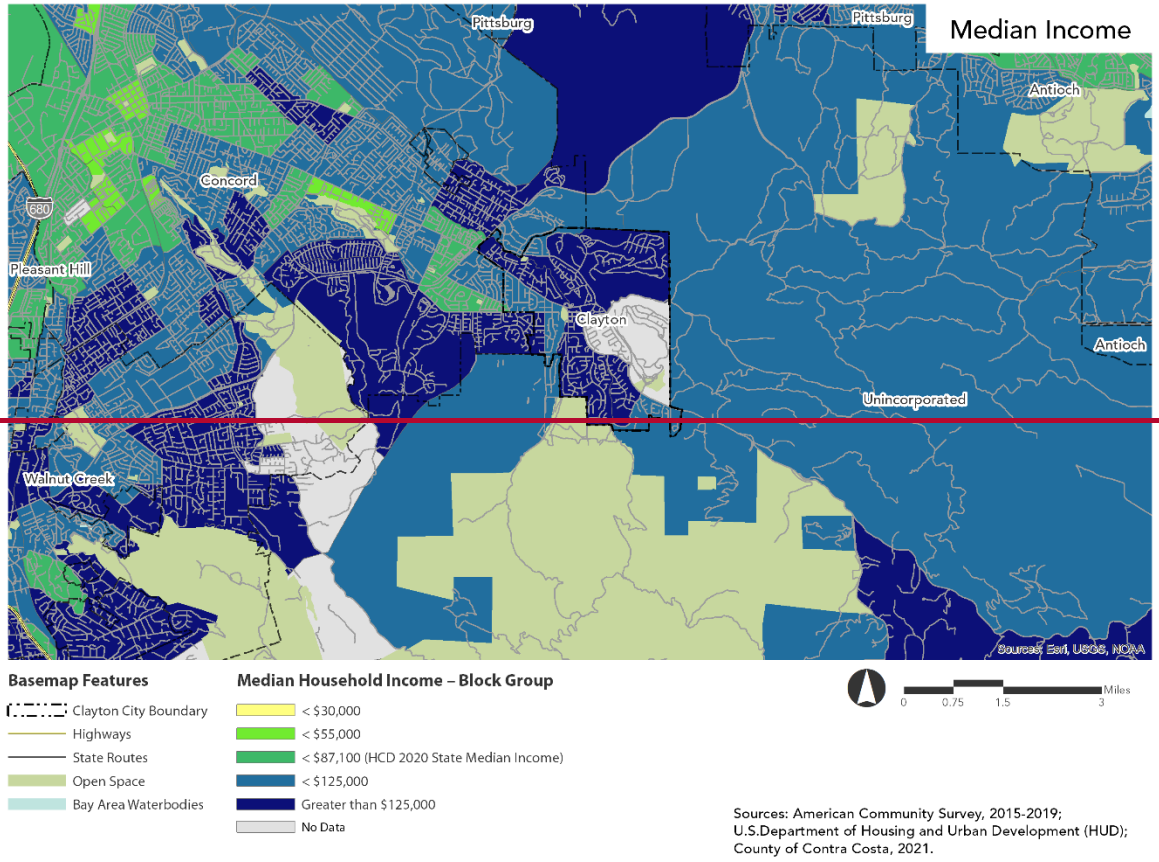
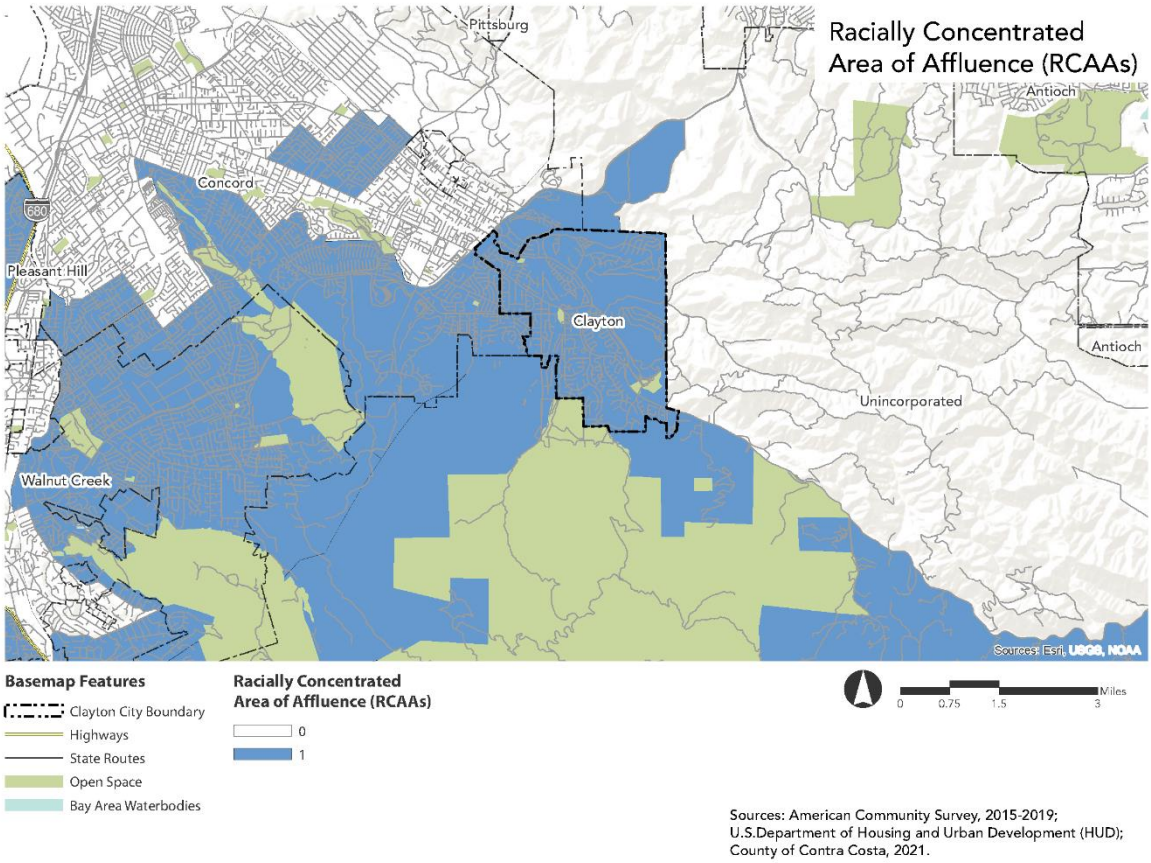


Figure 7-19: Racially Concentrated Areas of Affluence – Clayton (2021)



Sources: American Community Survey, 2015-2019;
U.S.Department of Housing and Urban Development (HUD);
County of Contra Costa, 2021.

ACCESS TO OPPORTUNITIES

Access to opportunity is a concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to so-called high resource neighborhoods.

TCAC OPPORTUNITY MAPS

TCAC maps are opportunity maps created by the California Fair Housing Task Force (a convening of the Department of Housing and Community Development and the California Tax Credit Allocation Committee or TCAC) to provide research and evidence-based policy recommendations to further HCD's fair housing goals of: 1) avoiding further segregation and concentration of poverty; and 2) encouraging access to opportunity through land use policy and affordable housing, program design, and implementation. These opportunity maps identify census tracts with highest to lowest resources, segregation, and poverty, which in turn inform the TCAC as to how to equitably distribute funding for affordable housing in areas with the highest opportunity through the Low-Income Housing Tax Credit (LIHTC) Program.

TCAC Opportunity Maps display areas by highest to lowest resources by assigning scores between 0 to 1 for each domain by census tracts where higher scores indicate higher "access" to the domain or higher "outcomes." Refer to Table 7-9~~11~~ for a list of domains and indicators for opportunity maps. Composite scores are a combination score of the three domains that do not have a numerical value but rather rank census tracts by the level of resources (low, moderate, high, highest, and high poverty and segregation). The opportunity maps also include a measure or "filter" to identify areas with poverty and racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of population under the federal poverty line
- Racial Segregation: Tracts with location quotient higher than 1.25 for Blacks, Hispanics, Asians, or all people of color in comparison to the County

Table 7-9~~10~~11: Domains and List of Indicators for Opportunity Maps

Domain	Indicator
Economic	Poverty Adult Education Employment Job Proximity Median home value
Environmental	CalEnviroScreen 3.0 pollution Indicators and values
Education	Math proficiency Reading proficiency High School graduation rates Student poverty rates

Source: California Fair Housing Task Force, Methodology for the 2021 TCAC/ HCD Opportunity Maps, December 2020

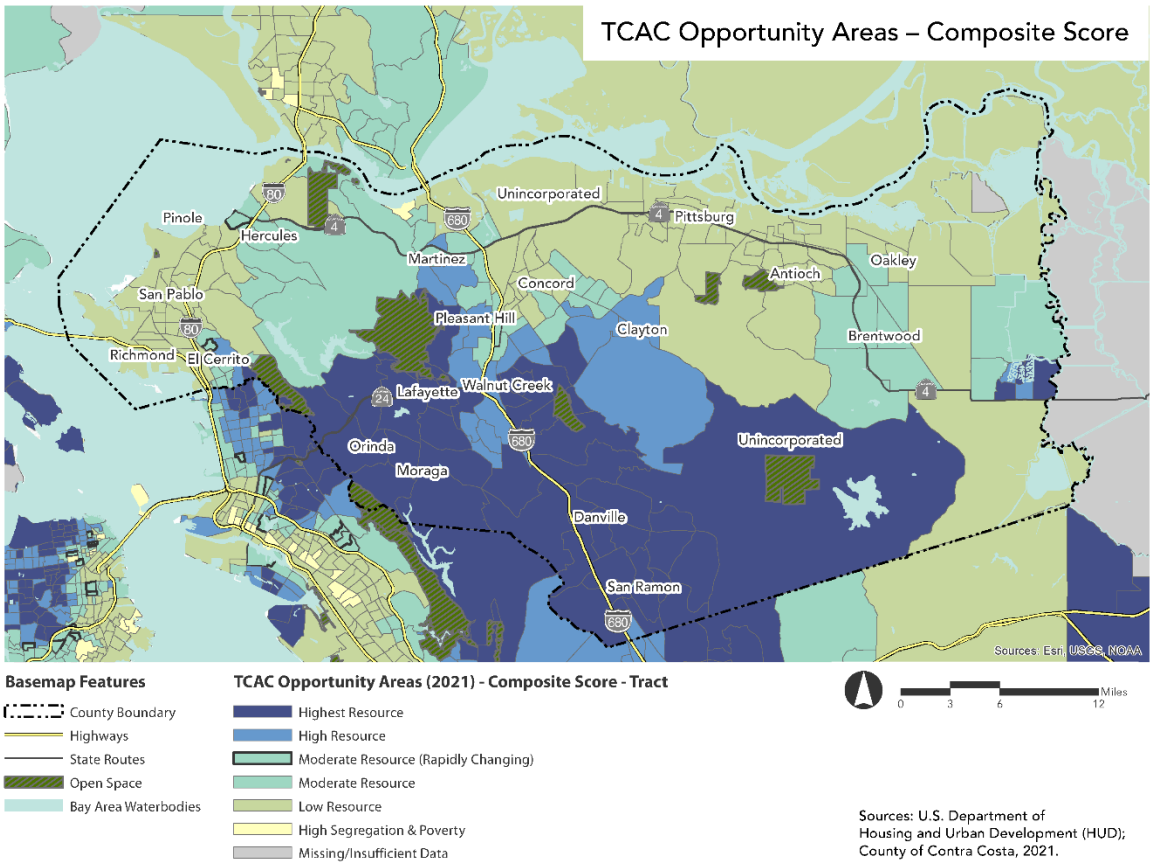
High resource areas have high index scores for a variety of opportunity indicators such as high employment rates, low poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards. High resource tracts are areas that offer low-income residents the best chance of a high quality of life, whether through economic advancement, high educational attainment, or clean environmental health. Moderate resource areas have access to many of the same resources as the high resource areas but may have fewer job opportunities, lower performing schools, lower median home values, or other factors that lower their indexes across the various economic, educational, and environmental indicators. Low resource areas are characterized as having fewer opportunities for employment and education, or a lower index for other economic, environmental, and educational indicators. These areas have greater quality of life needs and should be prioritized for future investment to improve opportunities for current and future residents.

Information from opportunity mapping can help highlight the need for housing element policies and programs that would help to remediate conditions in low resource areas or areas of high segregation and poverty, and to encourage better access to housing in high resource areas for low- and moderate-income households and negatively impacted households of Black, Indigenous, and People of Color (BIPOC).

Regional Trends

Figure 7-20 provides a visual representation of TCAC Opportunity Areas in Contra Costa County based on a composite score, where each tract is categorized based on percentile rankings of the level of resources within the region. The only census tract in Contra Costa County considered an area of high segregation and poverty is located in Martinez. Concentrations of low resource areas are located in the northwestern and eastern parts of the county (Richmond to Hercules and Concord to Oakley); census tracts with the highest resources are located in central and southern parts of the county (San Ramon, Danville, Moraga, and Lafayette).

Figure 7-20: Regional TCAC Composite Scores by Tract (2021)

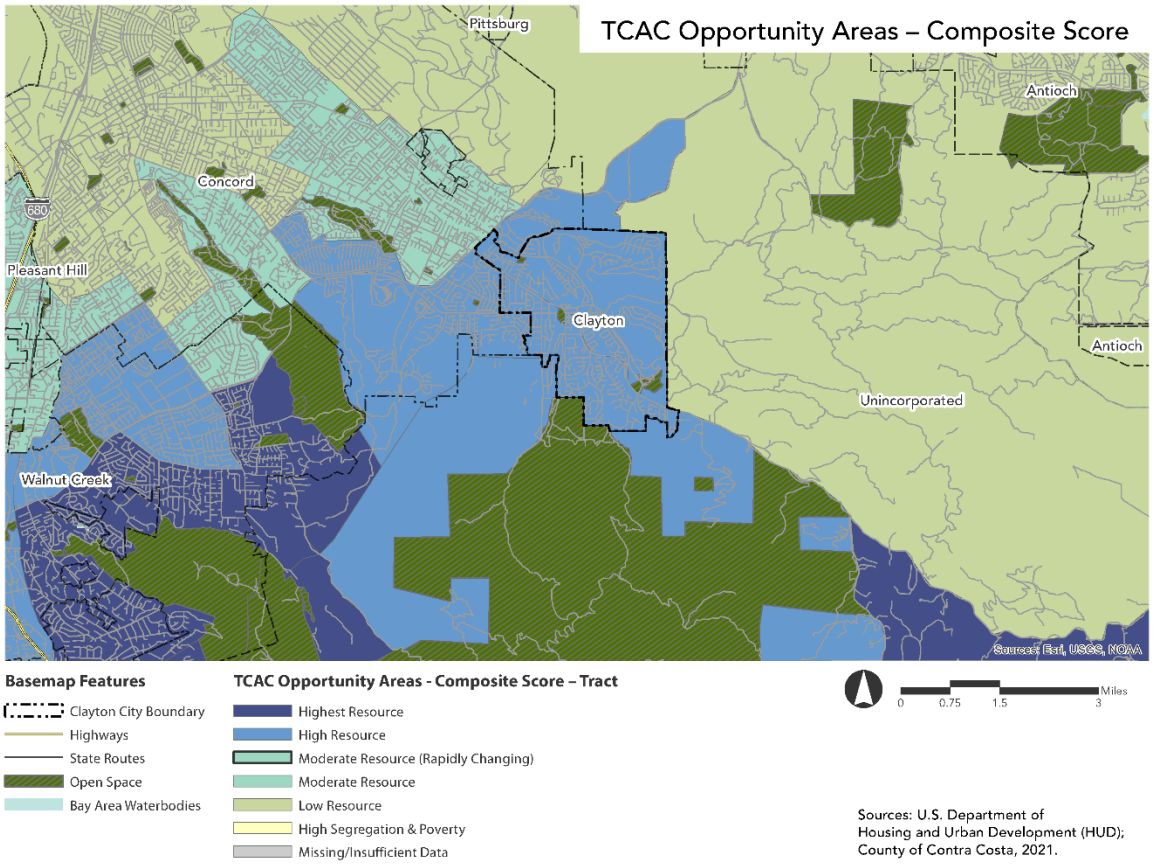


Local Trends

Clayton has a high resource composite score for the entire City (Figure 7-21). Walnut Creek is most similar to Clayton with high and highest resource scores. Pleasant Hill has moderate and high resource scores. The City of Concord has mostly low resource scores, with a few concentrations of moderate resource scores and a small area of high resource scores.- Communities along the Carquinez Strait, Suisun Bay and San Joaquin Rivers have starkly different TCAC composite scores. Antioch, Pittsburg, and Bay Point all have low TCAC composite scores. An area of Martinez adjacent to the ~~coast~~waterfront has a high segregation

and poverty score. Scores improve in areas of the city farther from the ~~coast~~waterfront, with the rest of the city having moderate and high resource scores.

Figure 7-21: TCAC Opportunity Areas – Composite Score - Clayton (2021)



OPPORTUNITY INDICES

This section presents the HUD-developed index scores based on nationally available data sources to assess residents' access to key opportunity assets in comparison to the County. Table 7-10~~2~~ provides index scores or values (the values range from 0 to 100) for the following opportunity indicator indices:

- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on State exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools.

The higher the index value, the higher the school system quality is in a neighborhood.

- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract.

The higher the index value, the higher the labor force participation and human capital in a neighborhood.

- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that fits the description of a three-person single-parent family with income at 50 percent of the median income for renters for the region (i.e., the Core-Based Statistical Area, or CBSA).

The higher the transit trips index value, the more likely residents in that neighborhood utilize public transit.

- **Low Transportation Cost Index**: This index is based on estimates of transportation costs for a family that fits the description of a three-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA.

The higher the index value, the lower the cost of transportation in that neighborhood.

- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily.

The higher the index value, the better the access to employment opportunities for residents in a neighborhood.

- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health.

The higher the index value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 7-11~~02~~: Opportunity Indices by Race/Ethnicity – Contra Costa County

	School Proficiency Index	Labor Market Index	Transit Trip Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Contra Costa County						
Total Population						
White, Non-Hispanic	68.58	68.81	25.37	85.80	44.03	45.07
Black, Non-Hispanic	33.93	41.36	47.38	87.29	24.51	27.23
Hispanic	37.52	41.48	38.92	87.46	28.52	33.18
Asian or Pacific Islander, Non-Hispanic	60.52	66.82	34.60	85.77	36.63	37.04
Native American, Non-Hispanic	47.92	50.96	32.08	86.46	31.05	39.26
Population Below Federal Poverty Line						
White, Non-Hispanic	53.57	55.48	29.27	86.99	38.40	40.47
Black, Non-Hispanic	23.53	30.31	51.51	88.92	23.77	25.63
Hispanic	27.11	31.43	43.96	88.74	26.45	29.31
Asian or Pacific Islander, Non-Hispanic	47.64	51.79	42.36	88.62	38.86	28.47
Native American, Non-Hispanic	27.08	34.40	46.03	88.11	27.10	25.31

Note: American Community Survey Data are based on a sample and are subject to sampling variability. See page 31 for index score meanings.
Source: AFFHT Data Table 12; Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

EDUCATION

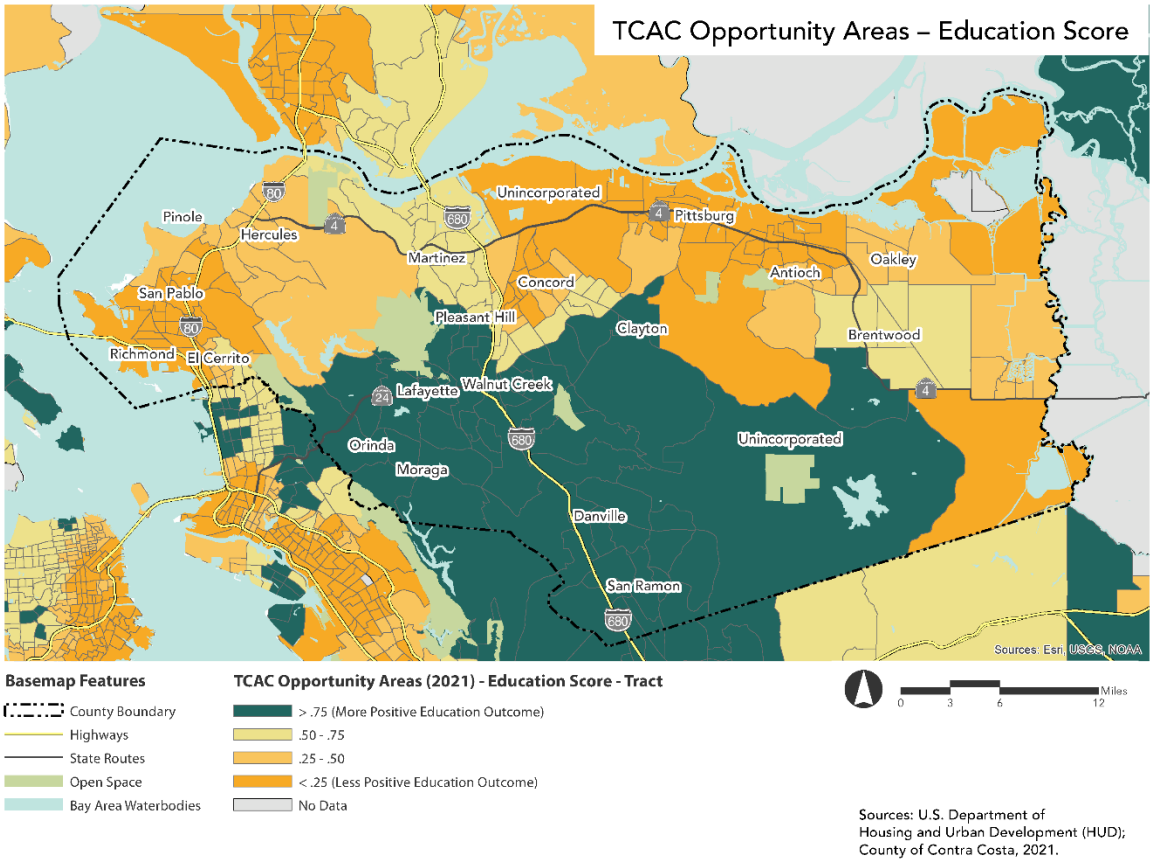
Housing and school policies are mutually reinforcing, which is why it is important to analyze access to educational opportunities when assessing fair housing. At the most general level, school districts with the greatest amount of affordable housing tend to attract larger numbers of LMI families (largely composed of minorities). As test scores reflect student demographics, where Black/Hispanic/Latino students routinely score lower than their White peers, less diverse schools with higher test scores tend to attract higher income families to the school district. This is a fair housing issue because as higher income families move to the area, the overall cost of housing rises and an exclusionary feedback loop is created, leading to increased racial and economic segregation across districts as well as decreased access to high-performing schools for non-White students.

Regional Trends

The 2021 TCAC Opportunity Areas Education Composite Score for a census tract is based on math and reading proficiency, high school graduation rate, and student poverty rate indicators. The score is broken up by quartiles, with the highest quartile indicating more positive education outcomes and the lowest quartile signifying less positive outcomes.

There are 19 public school districts in Contra Costa County, in addition to 124 private schools and 19 charter schools. Map 22 shows that the northwestern and eastern parts of the county have the lowest education domain scores (less than 0.25) per census tracts, especially around Richmond, San Pablo, Pittsburg, Antioch, east of Clayton, and Concord and its northern unincorporated areas. Census tracts with the highest education domain scores (greater than 0.75) are located in central and southern parts of the county (bounded by San Ramon on the south; Orinda and Moraga on the west; and Lafayette, Walnut Creek, Clayton, and Brentwood on the north). Overlaying Figures 7-10 and 7-22 reveals that areas with lower education scores correspond with areas with lower-income households (largely composed of minorities) and vice versa. Table 7-12 indicates that index values for school proficiency are higher for White residents, indicating a greater access to high quality schools regardless of poverty status.

Figure 7-22: Regional TCAC Education Scores (2021)



Sources: U.S. Department of Housing and Urban Development (HUD); County of Contra Costa, 2021.

Local Trends

According to www.publicschoolreview.com, two public schools are located within Clayton. The entire City has a TCAC education score above 0.75, which is the most positive education outcome (Figure 7-23). The two public schools in Clayton are within the top 30 and 20 percent of California school rankings based on student test scores (Figure 7-24). The cities of Walnut Creek and Pleasant Hill have TCAC scores of 0.50 to 0.75, while the City of Concord has scores mostly below 0.25, with some areas having scores between 0.25 and 0.50 and 0.50 and 0.75. Pittsburg and Bay Point have TCAC education scores below 0.25 percent, indicating poorer educational outcomes. The majority of Antioch also receives TCAC education scores below 0.25, with two sections on the eastern edge of the city bordering Oakley and Brentwood receiving scores between 0.25 and 0.5 and 0.5 and 0.75. Martinez has a wider array of scores, with most of the city receiving a TCAC education score between 0.5 and 0.75. Southern areas of the city close to Pleasant Hill receive the most positive TCAC score of above 0.75.

Figure 7-23: TCAC Opportunity Areas – Education Score - Clayton (2021)

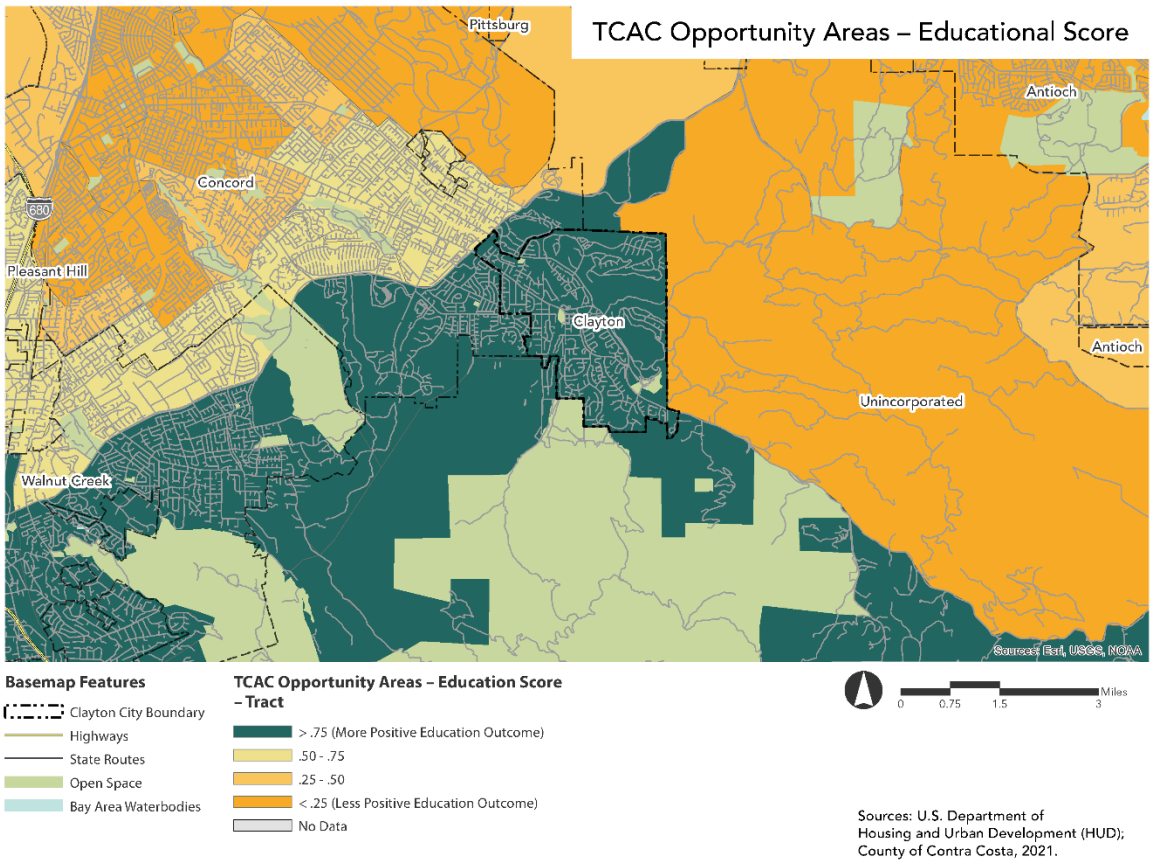
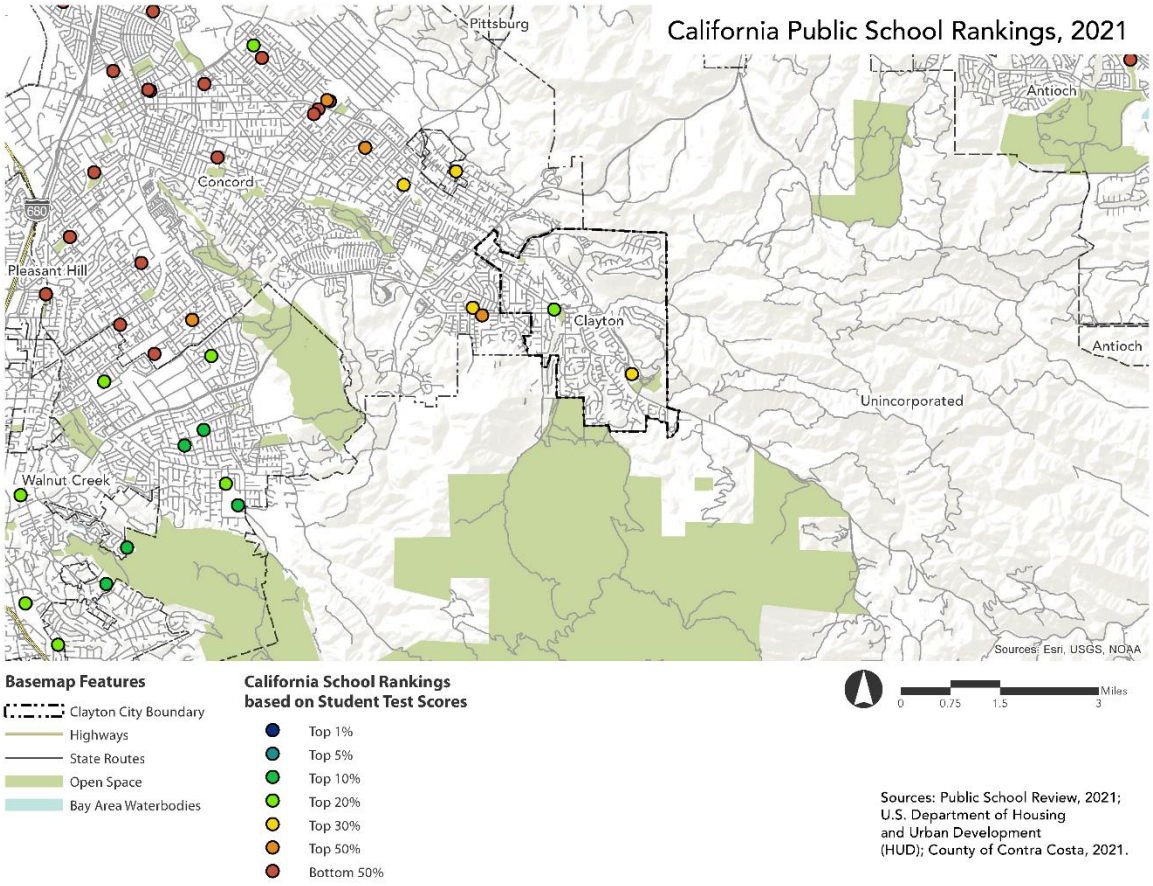


Figure 7-24: California Public School Rankings (2021)



TRANSPORTATION

Access to public transit is of paramount importance to households affected by low incomes and rising housing prices, especially because lower-income households are often transit dependent. Access to employment via public transportation can reduce reliance on government subsidies and increase housing mobility, which enables residents to locate housing outside of traditionally low-income neighborhoods.

Transportation opportunities are depicted by two indices: 1) the transit trips index; and 2) the low transportation cost index. The transit trips index measures how often low-income families in a neighborhood use public transportation. The index ranges from 0 to 100, with higher values indicating a higher likelihood that residents in a neighborhood utilize public transit. The low transportation cost index measures cost of transportation and proximity to public transportation by neighborhood. It, too, varies from 0 to 100, and higher scores point to lower transportation costs in that neighborhood.

Regional Trends

In Contra Costa County, neither index, regardless of poverty level, varies noticeably across racial/ethnic categories. All races and ethnicities score highly on both indices, with values close in magnitude. If these indices are accurate depictions of transportation accessibility, it might be concluded that all racial and ethnic classes have high and relatively equal access to transportation at both the jurisdictional and regional levels. If anything, both indices appear to take slightly higher values for non-Hispanic Blacks and Hispanics, suggesting better access to transit and lower costs for these protected groups.

Contra Costa County is served by light and heavy rail, bus, and ferry transit, but the quality of service varies across the county. Much of Contra Costa County is connected to other parts of the East Bay—as well as to San Francisco and San Mateo counties—by Bay Area Rapid Transit (BART) rail service. The Richmond-Warm Springs/South Fremont and Richmond-Daly City/Millbrae BART Lines serve El Cerrito and Richmond during peak hours, while the Antioch-SFO Line extends eastward from the San Francisco Peninsula and Oakland to serve Orinda, Lafayette, Walnut Creek, Contra Costa Center/Pleasant Hill, Concord, and the Pittsburg/Bay Point station. An eastward extension, commonly known as eBART, began service on May 26, 2018. The extension provides service beyond the Pittsburg/Bay Point station to the Pittsburg Center and Antioch stations. BART is an important form of transportation that helps provide Contra Costa County residents access to jobs and services in other parts of the Bay Area. The Amtrak Capitol Corridor route provides (heavy) rail service between San Jose and Sacramento and serves commuters at stations located in Martinez and Richmond.

In contrast to rail transportation, bus service is much more fragmented in the County and regionally. Several different bus systems—including Tri-Delta Transit, AC Transit, County Connection, and WestCat—provide local service in different sections of the County. In the Bay Area, 18 different agencies provide bus service. The lack of an integrated network can make it harder for transit riders to understand how to make a trip that spans multiple operators and add costs during a daily commute. For example, an East Bay Regional Local 31-day bus pass is valid on County Connection, Tri-Delta Transit, and WestCAT but cannot be used on AC Transit. Additionally, these bus systems often do not have frequent service. In central Contra Costa, County Connection buses may run as infrequently as every 45 to 60 minutes on some routes.

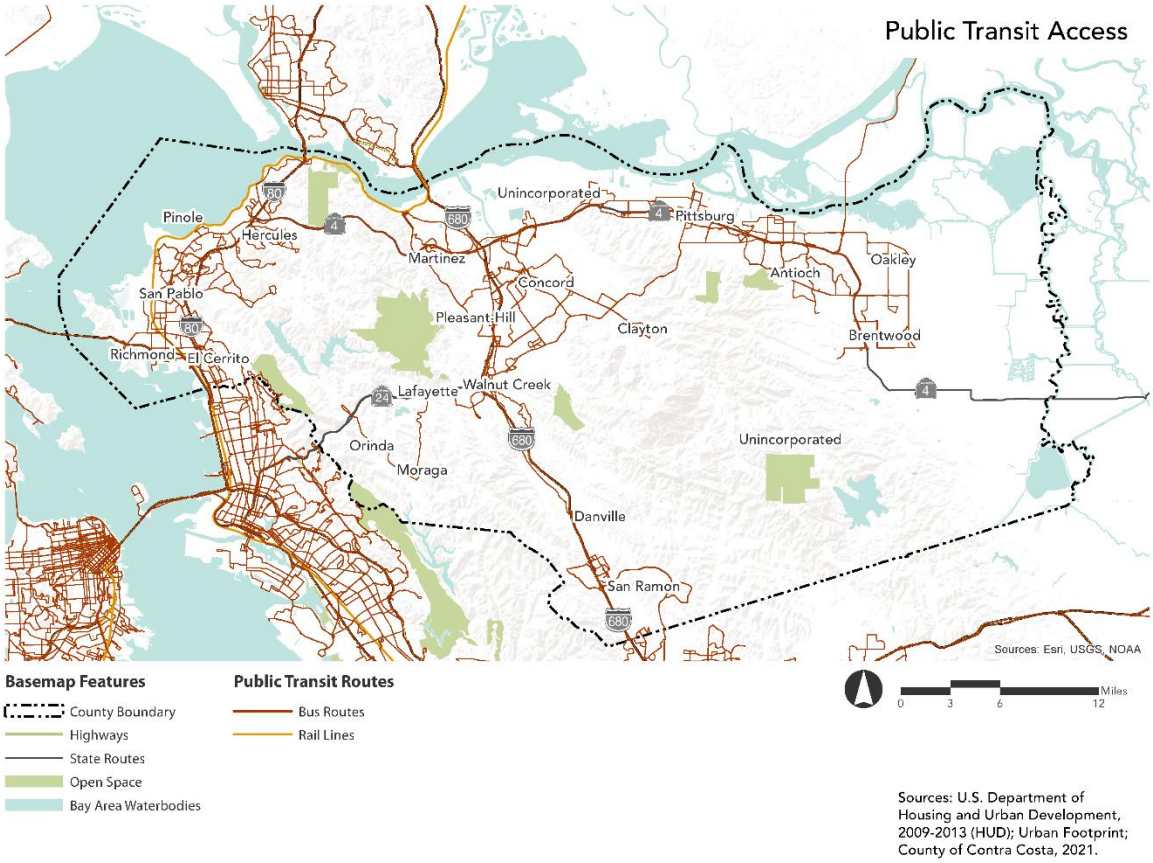
Within Contra Costa County, transit is generally not as robust as compared to more urban cities in the Bay Area, in despite growing demand for public transportation among the County's residents. The lack of adequate public transportation makes it more difficult for lower-income people to access jobs. Average transit commutes in Pittsburg and Antioch exceed 70 minutes. In Brentwood, average transit commute times exceed 100 minutes.

Transit agencies that service Contra Costa County include County Connection, Tri Delta Transit, WestCAT, AC Transit, and BART. The County Connection bus system, operated by the Central Contra Costa Transit Authority (CCCTA), is the largest bus transit system in the county that provides fixed-route and paratransit bus service for communities in Central Contra Costa. Other non-Contra Costa agencies that provide express service to the county include:

- San Francisco Bay Ferry (Richmond to SF Ferry Building)
- Golden Gate Transit (Line 40)

- WHEELS Livermore Amador Valley Transit Authority (Route 70x)
- SolTrans (Route 80/82 and the Yellow Line)
- Amtrak Capitol Corridor (Richmond/Martinez to cities between Auburn and San Jose)
- Fairfield & Suisun Transit (Intercity express routes)
- Altamont Corridor Express (commute-hour trains from Pleasanton)
- Napa Vine Transit (Route 29)

Figure 7-25: Regional Public Transit Access (2021)



Local Trends

The website www.alltransit.cnt.org measures the number of transit trips per week a household takes and the number of jobs accessible by transit for a geographic area and assigns a score. Based on these factors, Clayton has an alltransit.org score of 3.1 out of 9+. Clayton has both a low number of trips per week and a low number of jobs accessible by transit. The website estimates that only 14 percent of Clayton residents commute by transit. County Connection provides fixed-route bus service for Clayton to connect to nearby cities and the Concord BART Station. The surrounding cities of Concord, Pleasant Hill, and Walnut Creek have higher alltransit.org scores of 5.5, 5.2, and 4.7 respectively. As visualized in Figure 7.25, cities along the ~~straits~~ waterfront are generally better connected via bus routes. Antioch and Pittsburg receive high alltransit.org scores of 6.6 and 7.5, respectively. Bay Point does not receive a score as an unincorporated

area. Martinez receives a score of 4.8, indicating a low number of trips per week and jobs accessible via transit.

ECONOMIC DEVELOPMENT

Employment opportunities are indicated by two indices: 1) the labor market engagement index; and 2) the jobs proximity index. The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood, considering the unemployment rate, labor-force participation rate, and percent with a bachelor's degree or higher. The index ranges from 0 to 100, with higher values indicating higher labor force participation and human capital. The jobs proximity index quantifies the accessibility of a neighborhood to jobs in the region by measuring the physical distances between jobs and places of residence. It too varies from 0 to 100, and higher scores point to better accessibility to employment opportunities.

Regional Trends

In Contra Costa County, non-Hispanic Whites and non-Hispanic Asians/Pacific Islanders are at the top of the labor market engagement index with scores of 66.76 and 66.87, respectively. Non-Hispanic Blacks and Hispanics score the lowest in the county, with scores around 32. (Refer to Table 7-12 for a full list of indices.) Map 26 shows the spatial variability of jobs proximity in Contra Costa County. Tracts extending north from Lafayette to Martinez and surrounding unincorporated areas have the highest index values, followed by directly adjacent areas. Cities like Pittsburg, Antioch, Brentwood, Oakley, and Hercules have the lowest index scores (less than 20).

Figure 7-26: Regional Jobs Proximity Index (2021)

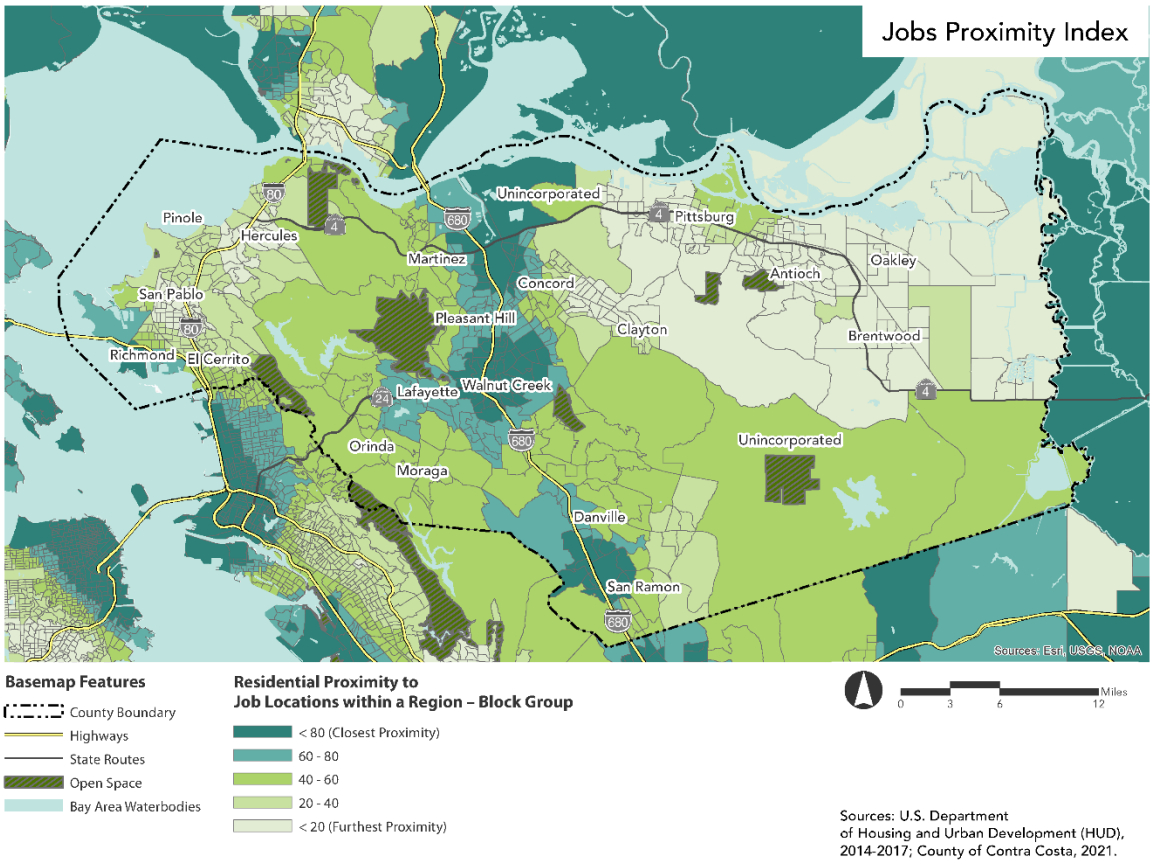
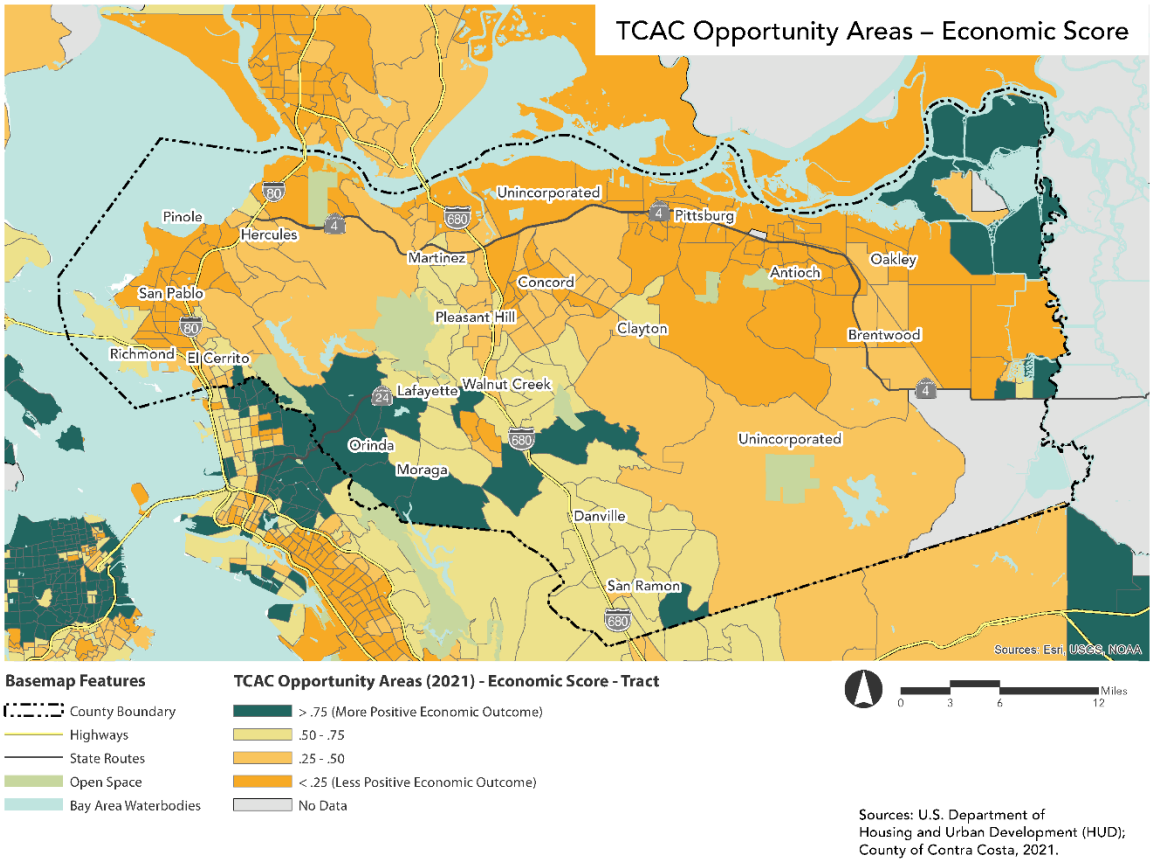


Figure 7-27: Regional TCAC Opportunity Areas – Economic Score (2021)



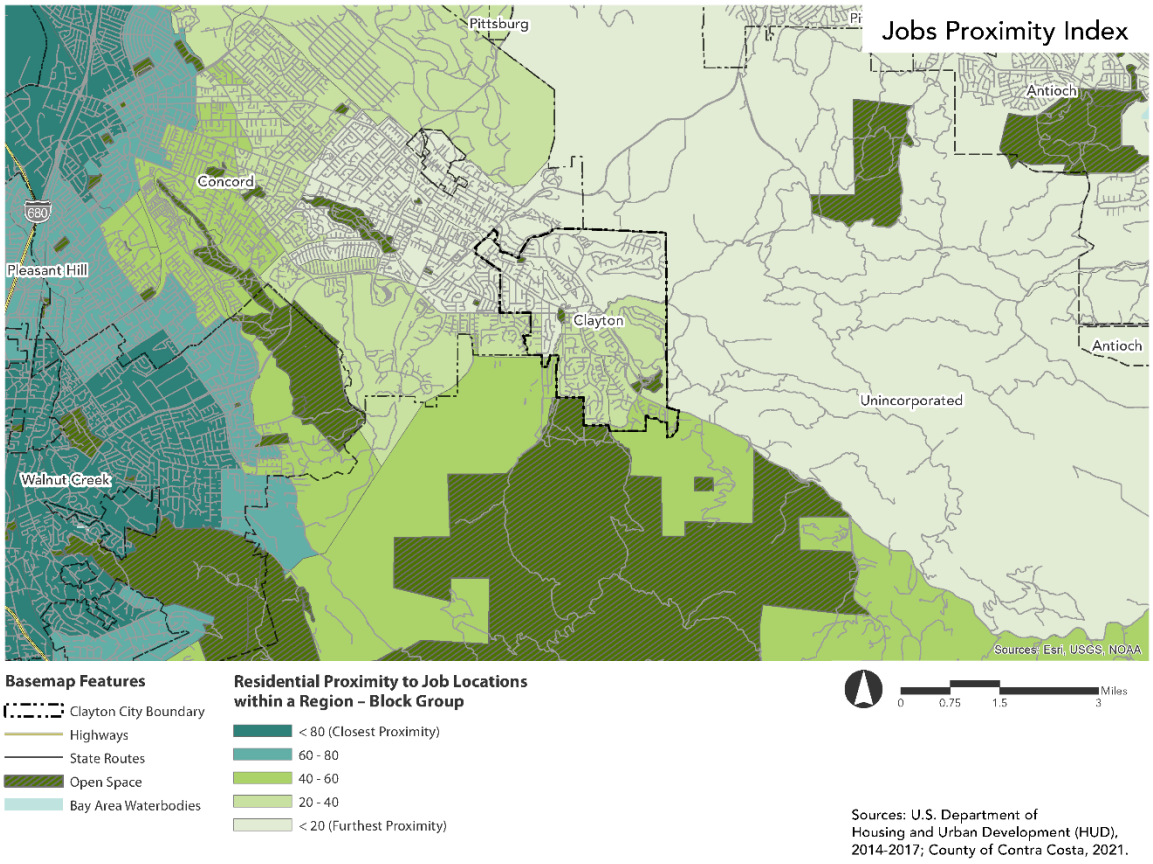
Local Trends

Most of Clayton has a jobs proximity index of below 20, which is the furthest proximity (Map 28). The eastern and southern parts of Clayton have a jobs proximity index score between 20 to 40, which corresponds to higher economic scores (Map 29). The southern part of Clayton is closer to the CEMEX quarry, the third largest employer in Clayton as of 2022 according to City records. The nearby City of Concord similarly has some tracts adjacent to Clayton where the job proximity index is below 20. The closer the census tract is to State Route 242 and I-680 and their adjacent commercial corridors, the higher the jobs proximity index score, with some tracts having the closest proximity score of 80 or above. The City of Pleasant Hill has scores of 60 to 80, while tracts further away from the highway have scores of 40 to 60. Walnut Creek has census tracts adjacent to I-680 with a job proximity index of above 80; similar to other cities, this score goes down (between 40 to 60 at the lowest) the farther away the census tract is from the freeways and commercial corridors.

The c~~C~~ity of Antioch receives similar job proximity index scores to Clayton, with most of the city receiving a score below 20, indicating farthest proximity. Two small areas on the edge of the city receive slightly higher scores between 20 to 40. The eastern part of Pittsburg receives scores between 20 to 40 and 40 to 60, while the western part of the city receives scores below 20. The unincorporated area of Bay Point also receives scores below 20. Martinez receives the highest jobs proximity index scores, with eastern parts of

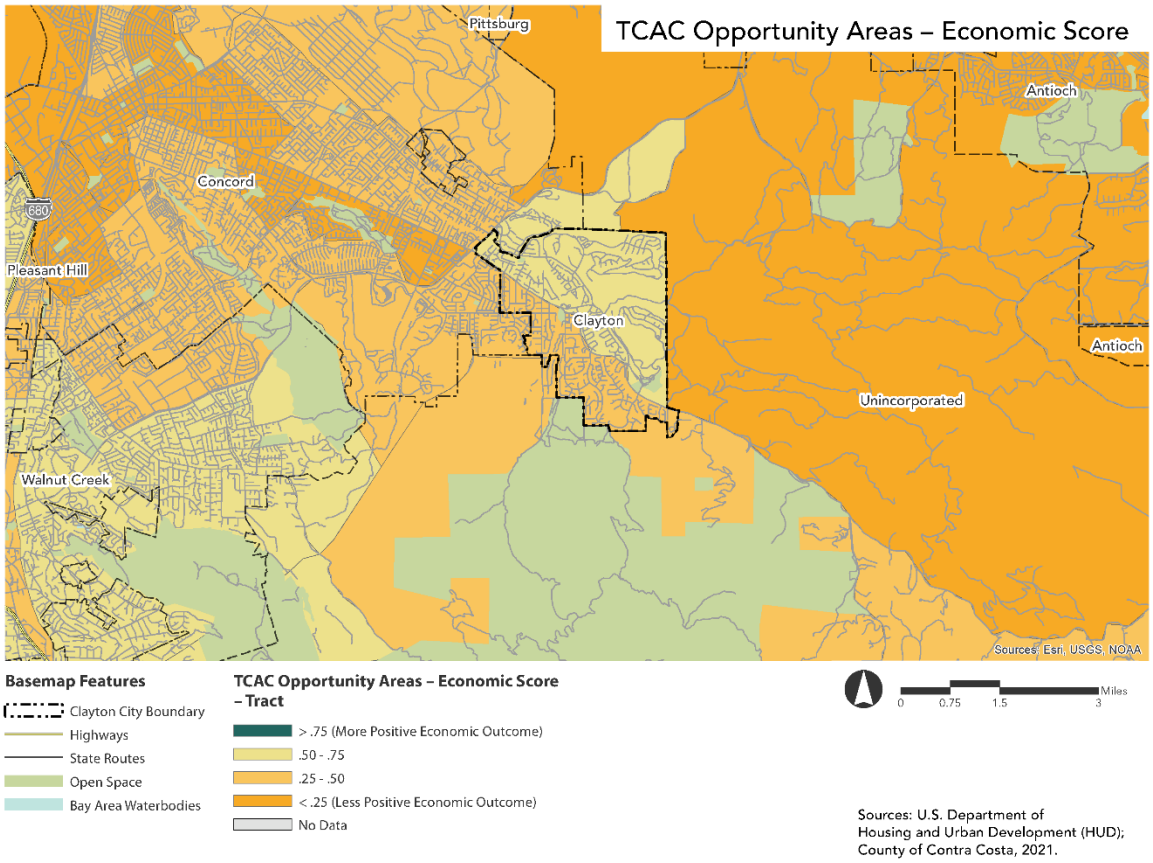
the city along I-680 receiving scores above 80, indicating the closest job proximity. The western parts of the city fa~~r~~rther from the interstate and commercial corridor receive~~s~~ scores between 40 to 60.

Figure 7-28: Jobs Proximity Index – Clayton (2021)



In Clayton, the City has economic scores of 0.25 to 0.50 and 0.50 to 0.75. Scores above 0.75 represent the most positive economic outcome while scores below 0.25 are the least positive economic outcome. The economic score accounts for levels of poverty, adult education, employment, job proximity, and median home value for the area. Nearby Walnut Creek is similar to Clayton, with most census tracts having scores between 0.25 to 0.50 and 0.50 to 0.75. Pleasant Hill and Concord both have lower economic scores between 0.25 to 0.50 and below 0.25, which is the least positive economic outcome. Economic scores in Antioch, Pittsburg, and Bay Point are all less than 0.25, indicating the least positive economic outcome. Northern Martinez receives scores of less than 0.25 and between 0.25 and 0.5. Scores improve to between 0 And 0.75 in the western part of Martinez.

Figure 7-29: TCAC Opportunity Area – Economic Score - Clayton (2021)



ENVIRONMENT

The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. Index values range from 0 to 100 and the higher the index value, the less exposure to toxins harmful to human health. Therefore, *the higher the value on the Environmental Health Index, the better the environmental quality of a neighborhood*, where a neighborhood is a census block-group. There are modest differences across racial and ethnic groups in neighborhood access to environmental quality. All racial/ethnic groups in Contra Costa County are shown to have moderate scores, ranging from low 40s to mid–50s. Non-Hispanic Blacks and Hispanics have the lowest scores among all residents in Contra Costa County, with scores of 43, whereas non-Hispanic Whites and Asians/Pacific Islanders have the highest scores (over 50) (refer to Table 7-12).

CalEnviroScreen was developed by the California Environmental Protection Agency (CalEPA) to evaluate pollution sources in a community while accounting for a community's vulnerability to the adverse effects of pollution. Measures of pollution burden and population characteristics are combined into a single composite score that is mapped and analyzed. Higher values on the index indicate higher cumulative environmental impacts on individuals arising from these burdens and population factors.

The California Office of Environmental Health Hazard Assessment (OEHHA) compiles these scores to help identify California communities disproportionately burdened by multiple sources of pollution. In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviroScreen also considers socioeconomic factors such as educational attainment, linguistic isolation, poverty, and unemployment. *For the CalEnviroScreen metric, the lower the value, the better the environmental quality of a neighborhood.*

Regional Trends

Figure 7-30 displays the Environmental Score for Contra Costa County based on CalEnviroScreen 3.0 Pollution Indicators and Values that identify communities in California disproportionately burdened by multiple sources of pollution and that face vulnerability due to socioeconomic factors. The highest scoring 25 percent of census tracts were designated as disadvantaged communities. In Contra Costa County, disadvantaged communities include census tracts in North Richmond, Richmond, Pittsburg, San Pablo, Antioch, Rodeo, and Oakley.

Figure 7-30: Regional TCAC Opportunity Areas – Environmental Score (2021)

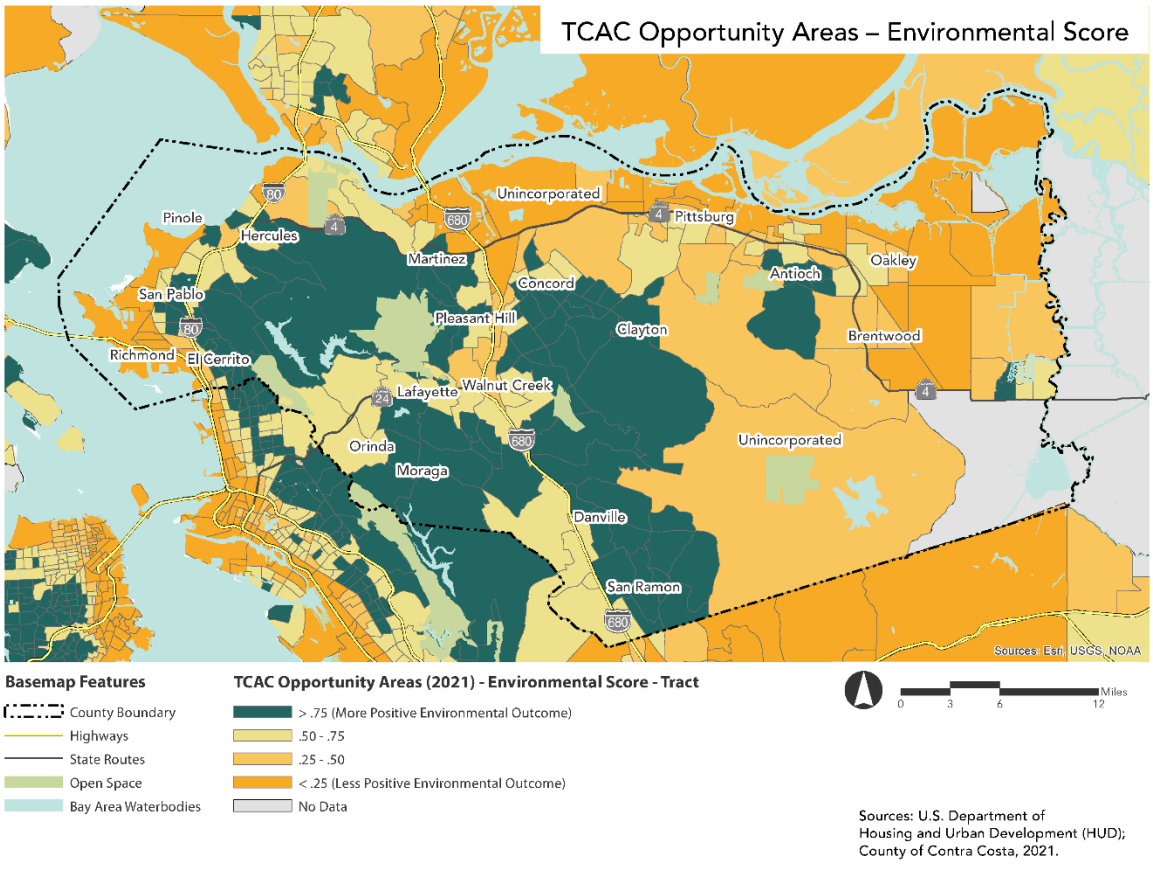
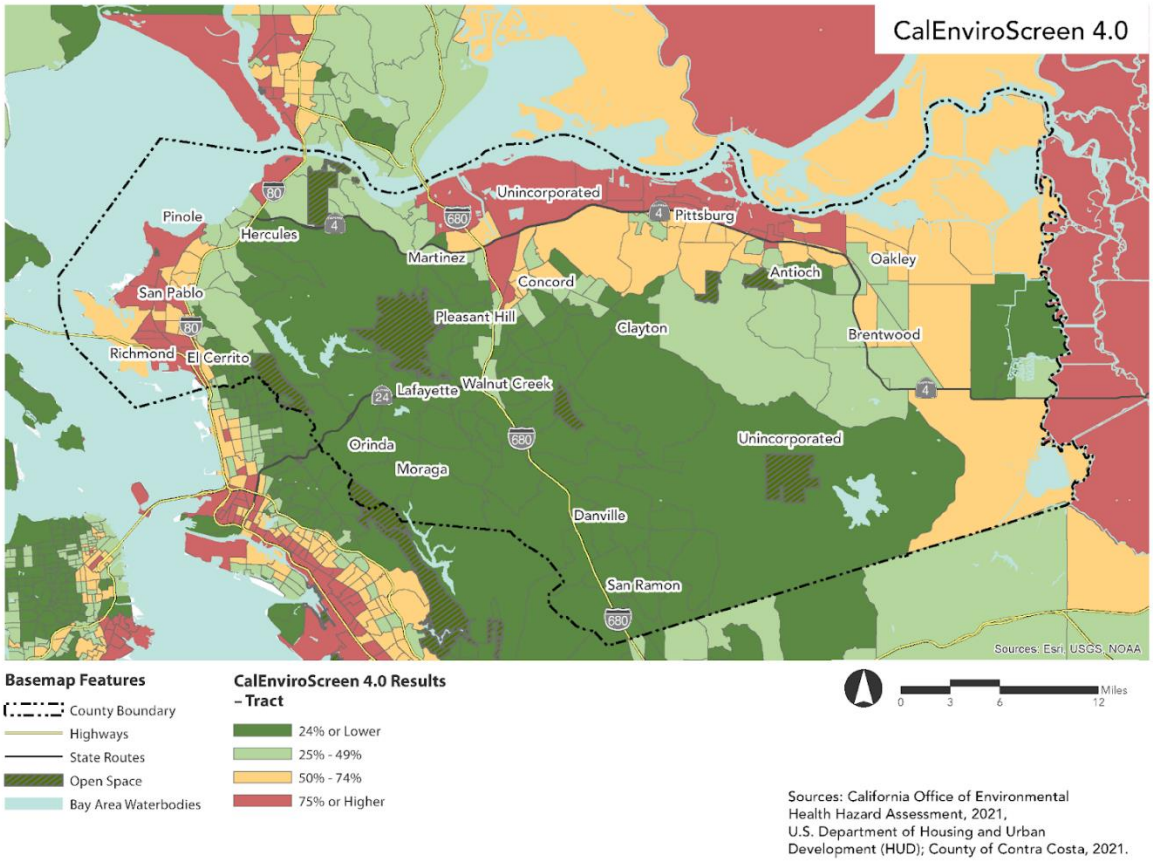


Figure 7-31 shows updated scores for CalEnviroscreen 4.0 released by the California Office of Environmental Health Hazard Assessment. Adverse environmental impacts are concentrated around the northern border of the County (Bay Point to Pittsburg) and the western County border (Richmond to Pinole). Areas around Concord to Antioch have moderate scores, and the rest of the County has relatively low scores. From central Contra Costa County, the data display an almost radial gradient effect of green to red (least to most pollution).

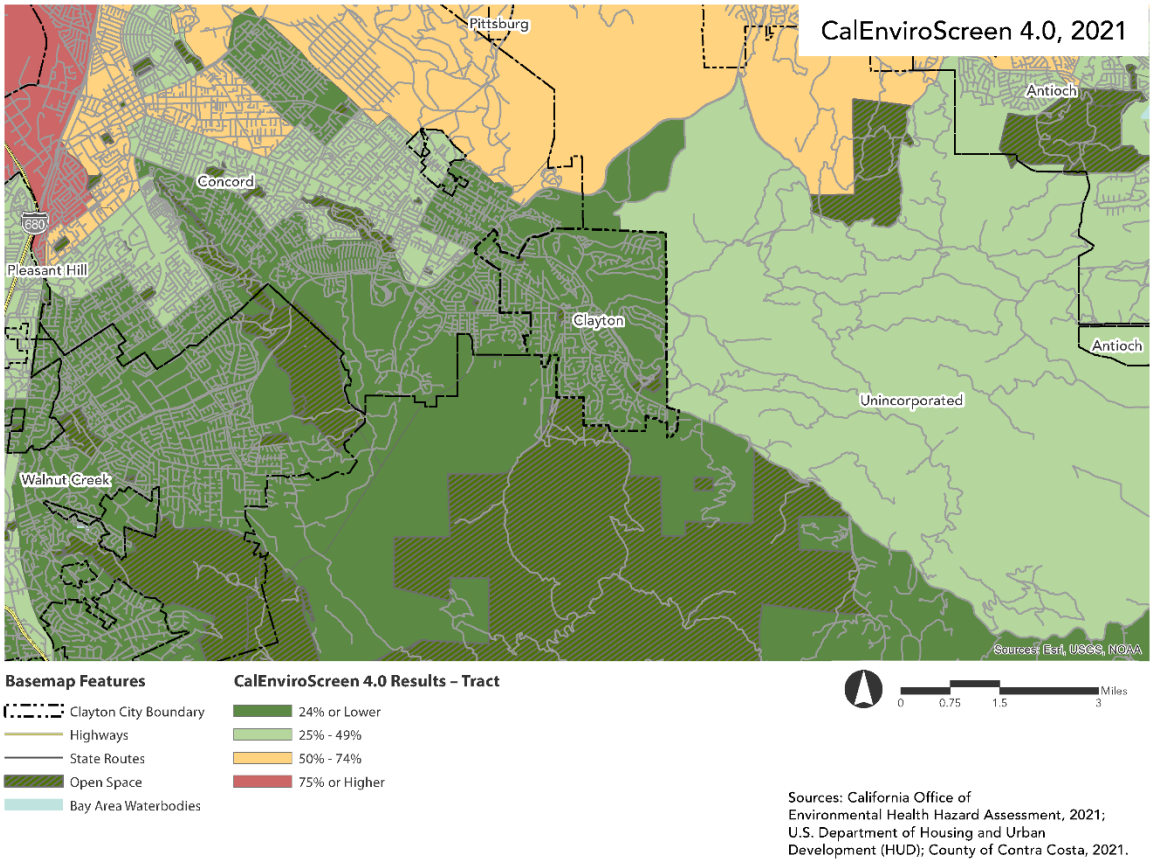
Figure 7-31: Regional CalEnviroScreen 4.0 (2021)



Local Trends

The entire City of Clayton has a CalEnviroScreen 4.0 score of 24 percent or lower, which indicates fewer adverse environmental impacts. Walnut Creek and Pleasant Hill have scores between 25 to 49 percent, while Concord has score of 50 to 75 percent and 75 percent or higher, indicating more adverse environmental impacts. ~~Coastal~~Waterfront cities in the area generally experience greater adverse environmental impacts. Unincorporated Bay Point receives a score of 75 percent or higher along with the northern part of Pittsburg, indicating the greatest level of adverse environmental impacts. The southern part of Pittsburg receives scores between 50 to 74 percent. ~~Coastal~~Northern Martinez near the waterfront similarly receives a score of 75 percent or higher, with scores decreasing to between 50 and 74 percent and 25 to 49 percent in areas of the city away from the strait~~s~~.

Figure 7-32: CalEnviroScreen 4.0 - Clayton (2021)



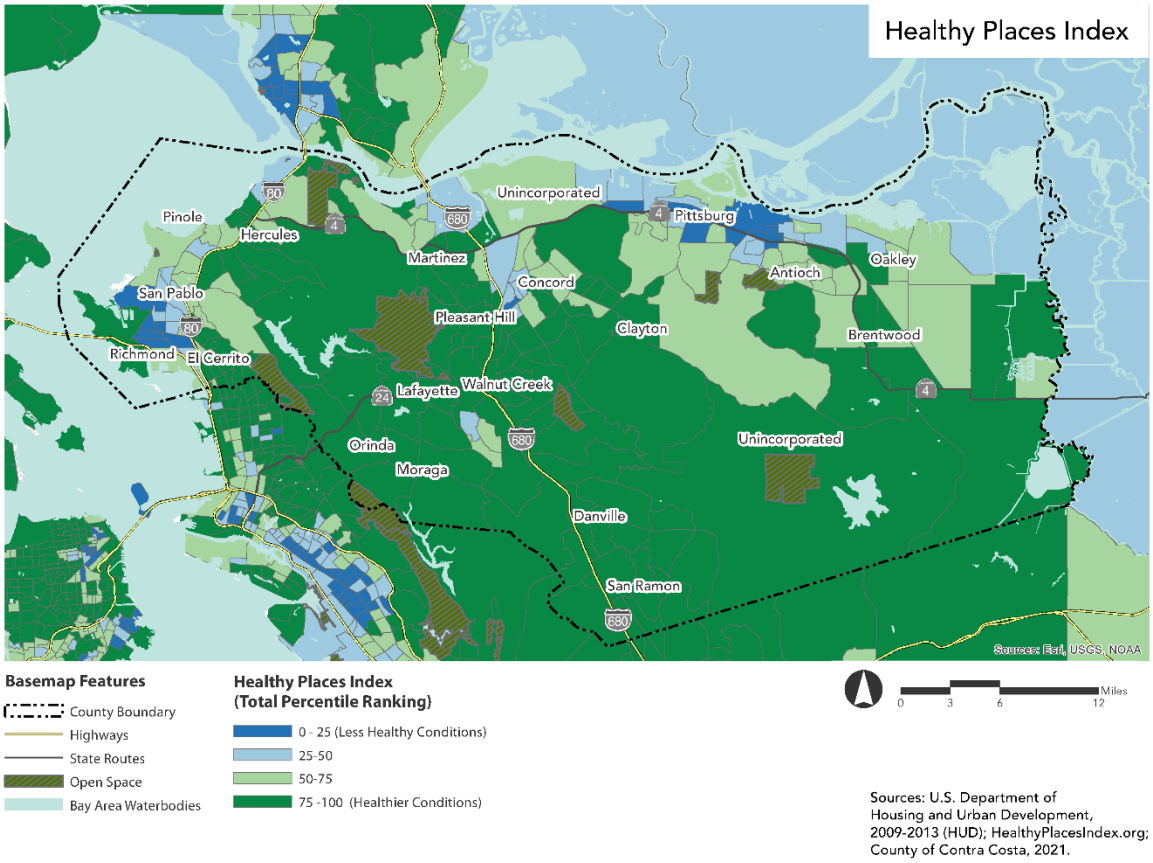
HEALTH AND RECREATION

Residents should have the opportunity to live a healthy life and live in healthy communities. The Healthy Places Index (HPI) is a tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the State and combined 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate lower conditions.

Regional Trends

Figure 7-33 shows the HPI percentile score distributions for Contra Costa County. The majority of the County falls in the two highest categories, indicating healthy conditions. Cities with the highest percentile ranking, which indicates less healthy conditions, are Pittsburg, San Pablo, and Richmond, as well as portions of Concord.

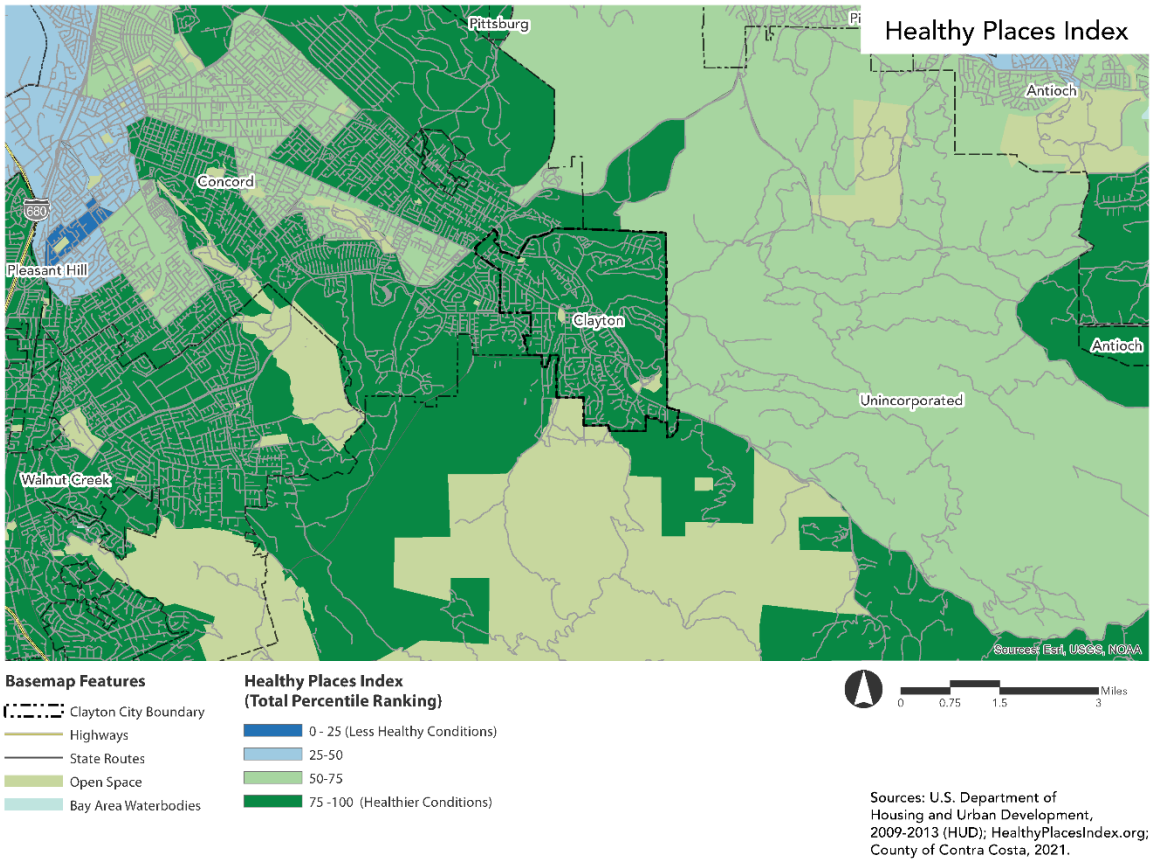
Figure 7-33: Regional Healthy Places Index (2021)



Local Trends

The entire City of Clayton has a HPI score of 75 to 100, which indicates healthier conditions (Figure 7-34). Walnut Creek and Pleasant Hill have the same ~~healthy places index~~ HPI score, while Concord has census tracts with scores of 25 to 50 and a small area with a score of 0 to 25, which indicates less healthy conditions. Communities along the ~~straits~~ waterfront generally experience less healthy conditions. The ~~C~~city of Antioch receives ~~healthy places index~~ HPI scores of 0 to 25 and 25 to 50 closer to the ~~coast~~riverfront and scores of 50 to 75 and 75 to 100 farther inland, suggesting that ~~coastal~~ conditions are poorer in riverfront neighborhoods. In Pittsburg, much of the city receives scores between 0 to 25 and 25 to 50, with a few areas receiving scores between 50 to 75. Unincorporated Bay Point similarly receives scores~~:~~ between 0 to 25 and 25 to 50. Healthy Places Index scores in Martinez follow a similar pattern to that of Antioch, with poorer scores of 25 to 50 along waterfront ~~coastal~~ areas and healthier scores of 50 to 75 and 75 to 100 farther inland away from the strait~~Bay~~.

Figure 7-34: Healthy Places Index - Clayton (2021)



DISPROPORTIONATE NEEDS

Disproportionate housing needs generally refers to a condition in which significant disparities exist in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. The Comprehensive Housing Affordability Strategy (CHAS) developed by the U.S. Census for HUD provides detailed information on housing needs by income level for different types of households in Contra Costa County. Housing problems considered by CHAS include:

- Housing cost burden, including utilities, exceeding 30 percent of gross income
- Severe housing cost burden, including utilities, exceeding 50 percent of gross income
- Overcrowded conditions (housing units with more than one person per room)
- Units with physical defects (lacking complete kitchen or bathroom)

According to the Contra Costa County AI, a total of 164,994 households (43.9 percent) in the County experience any one of the above housing problems; 85,009 households (22.62 percent) experience severe housing problems. Based on relative percentage, Hispanic households experience the highest rate of housing problems regardless of severity, followed by Black households and Other races. Table 7-1~~2~~13 lists the demographics of households with housing problems in the County.

Table 7-1~~2~~13: Demographics of Households with Housing Problems in Contra Costa County

	Total Number of Households	Households with Housing Problems		Households with Severe Housing Problems	
White	213,302	80,864	37.91%	38,039	17.83%
Black	34,275	19,316	56.36%	10,465	30.53%
Asian/Pacific Islander	51,353	21,640	42.14%	10,447	20.34%
Native American	1,211	482	39.80%	203	16.76%
Other	10,355	5,090	49.15%	2,782	26.87%
Hispanic	65,201	37,541	57.58%	23,002	35.28%
Total	**375,853**	**164,994**	**43.90%**	**85,009**	**22.62%**

Source: Contra Costa County AI (2020)

Significant disparities are apparent between the rates of housing problems that larger families (households of five or more people) experience and the rates of housing problems that families of five or fewer people experience. Larger families tend to experience housing problems more than smaller families. Non-family households in Contra Costa experience housing problems at a higher rate than smaller family households, but at a lower rate than larger family households. Table 7-1~~3~~24 lists the number of households with housing problems according to household type.

Table 7-1~~3~~24: Household Type and Size in Contra Costa County

Household Type	No. of Households with Housing Problems
Family Households (< 5 people)	85,176
Family Households (> 5 people)	26,035
Non-family Households	53,733

Source: Contra Costa County AI (2020)

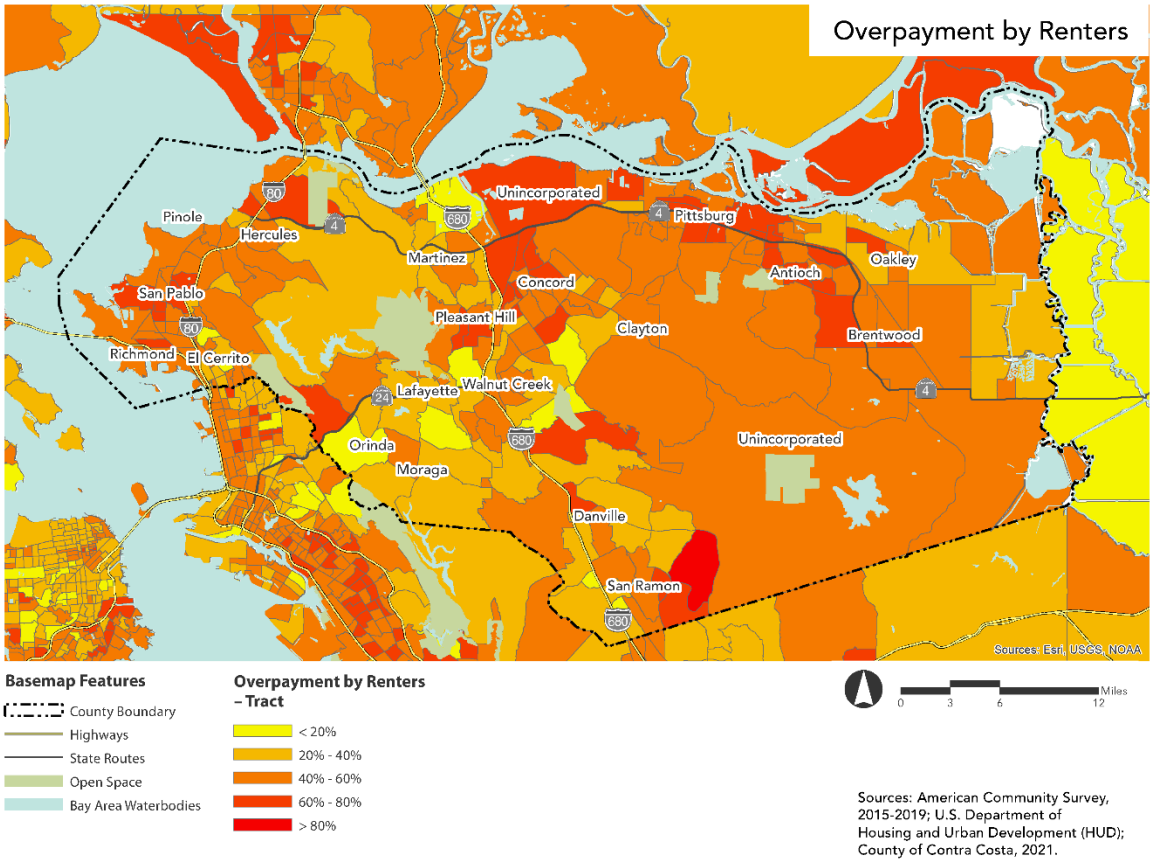
COST BURDEN (OVERPAYMENT)

Housing cost burden, or overpayment, is defined as households paying 30 percent or more of their gross income on housing expenses, including rent or mortgage payments and utilities. Renters are more likely to overpay for housing costs than homeowners. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs.

Regional Trends

Figure 7-35 identifies concentrations of cost-burdened renter households in and around San Pablo, Pittsburg, Antioch, west Brentwood and Oakley, East San Ramon, and northern parts of Concord. In these tracts, over 80 percent of renters experience cost burdens. The majority of east Contra Costa has 60 to 80 percent of renter households that experience cost burdens; west Contra Costa has 20 to 40 percent of renter households that experience cost burdens. Census tracts with a low percentage of cost-burdened households are located between San Ramon and Martinez on a north-south axis. In these tracts, less than 20 percent of renter households experience cost burdens.

Figure 7-35: Regional Overpayment by Renters (2021)



Local Trends

As presented in Table 7-1~~3~~5, 42 percent of all households in Clayton experience cost burdens. This rate is higher for renter households, with 55 percent experiencing cost burdens, than owner households, with 41 percent experiencing cost burdens. In comparison, Contra Costa County residents overall have a higher rate of cost burden (52 percent). Renters in Contra Costa County experience cost burdens at higher rates than owners (72.8 percent compared to 40.6 percent).

Table 7-1~~3~~~~4~~~~5~~: Households that Experience Cost Burden by Tenure in Contra Costa County and Clayton

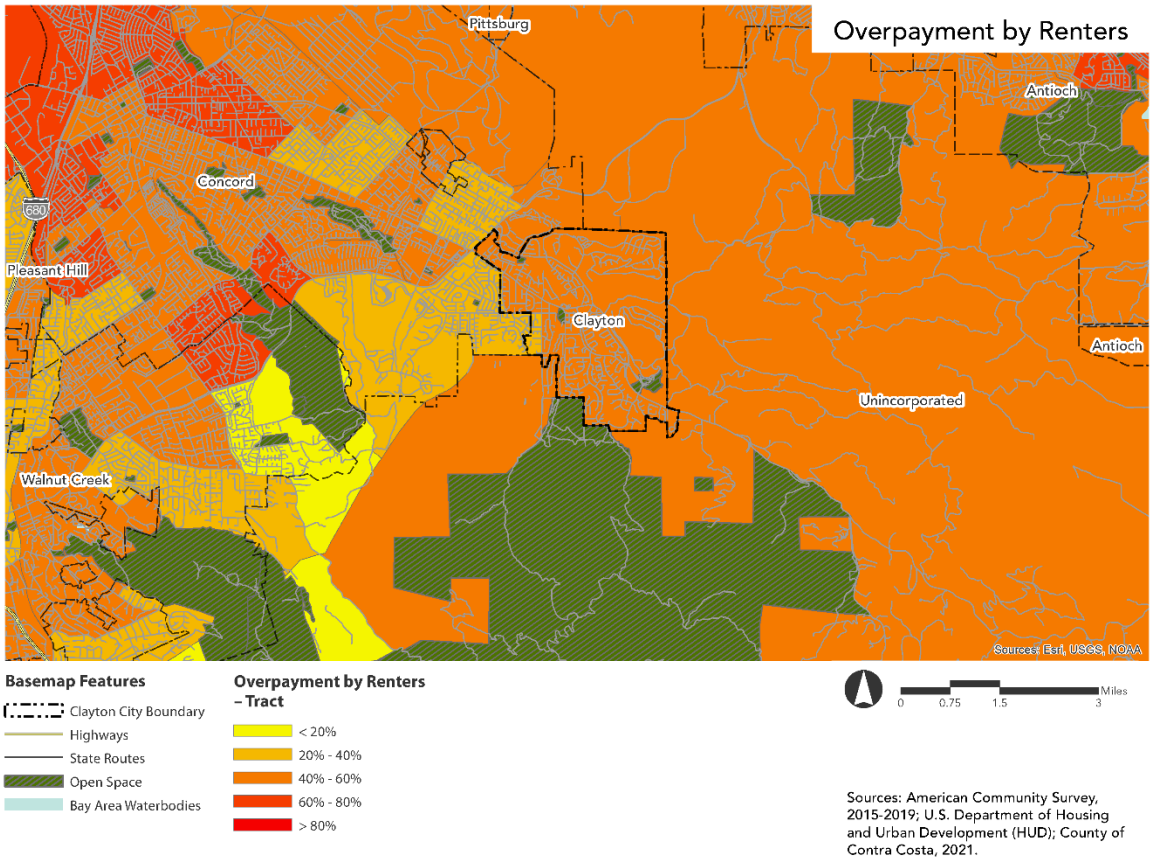
Contra Costa County				
Total Number of Households		**Cost burden > 30%**	**Cost burden > 50%**	**Percentage of Households that Experience Cost Burden**
Owners Only	257,530	74,545	30,010	40.6%
Renters Only	134,750	65,055	33,040	72.8%
All Households	392,280	139,595	63,050	51.6%
Clayton				
Total Number of Households		**Cost burden > 30%**	**Cost burden > 50%**	**Percentage of Households that Experience Cost Burden**
Owners Only	3,920	1,095	530	41%
Renters Only	280	95	60	55%
All Households	4,200	1,185	590	42%

Source: https://www.huduser.gov/portal/datasets/cp.html

Most of Clayton census tracts have 40 to 60 percent of overpayment by renters (Map 36). A concentration of tracts occurs in western Clayton, where overpayment by renters falls below 40 percent. This area may be spillover from surrounding areas, as this trend is not explained by other trends in Clayton. The City of Concord has areas of higher rates of overpayment—between 60 to 80 percent—but mostly tracts with overpayment by 40 to 60 percent. Pleasant Hill has tracts with renters overpaying between 20 to 40 percent, 40 to 60 percent, and 60 to 80 percent. In Walnut Creek, depending upon location, households experience overpayment by 20 to 40 percent and 40 to 60 percent, and unlike the other cities, concentrations exist where overpayment by renters is below 20 percent.

Similar to Clayton, overpayment by renters is an issue in Antioch and Pittsburg. Both cities see rates of renter overpayment between 40 to 60 percent and 60 to 80 percent. The unincorporated area of Bay Point has rates of renter overpayment between 60 to 80 percent. Martinez has a wider range of renter overpayment rates. Areas closer to the ~~coast~~waterfront experience overpayment below 20 percent, which reflects lower rent prices as identified in Figure 7.12. Central and southern Martinez show overpayment rates between 20 to 40 percent and 40 to 60 percent, likely due in part to more expensive rents in these areas.

Figure 7-36: Overpayment by Renters – Clayton (2021)



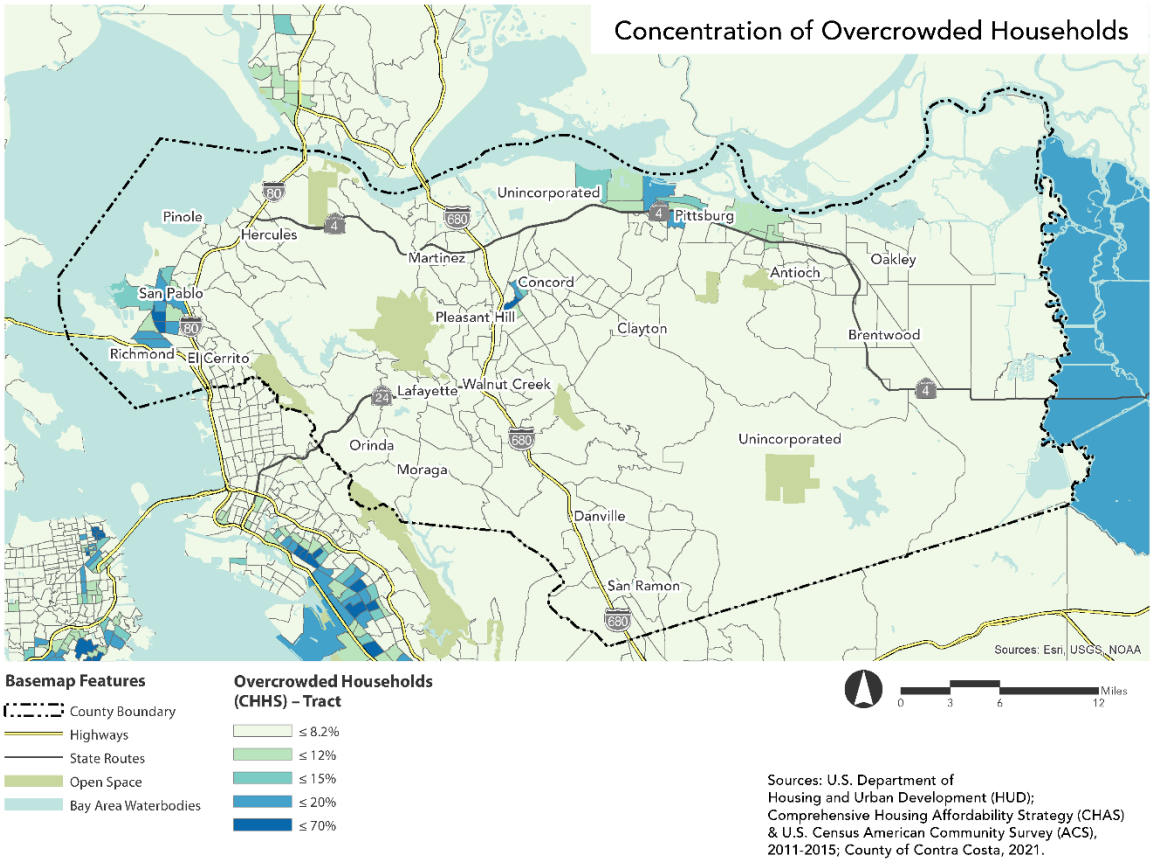
OVERCROWDED HOUSEHOLDS

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen).

Regional Trends

Figure 7-37 indicates that Contra Costa County in general has low levels of overcrowded households. Tracts in San Pablo, Richmond, and Pittsburg with higher percentages of non-White population show higher concentrations of overcrowded households compared to the rest of the county. Monument Corridor, the only official R/ECAP in Contra Costa County, a predominantly Hispanic community in Concord, also exhibits more overcrowding than other parts of the County.

Figure 7-37: Regional Overcrowded Households by Tract (2015)



Local Trends

According to the 2019 five-year ACS estimates and as displayed in Table 7-1~~6~~, 2.6 percent of County households are overcrowded. Clayton has lower overcrowding rates, with only 1 percent for overcrowded and 0 percent severely overcrowded households. Only owner-occupied households have rates of overcrowding (at 1 percent), while there was no overcrowding or severe overcrowding reported for renters. In the County, overcrowding and severe overcrowding rates are higher for renters, at 6.9 and 2.5 percent, respectively.

Table 7-1~~4~~5~~6~~: Overcrowded Households – Contra Costa County and Clayton

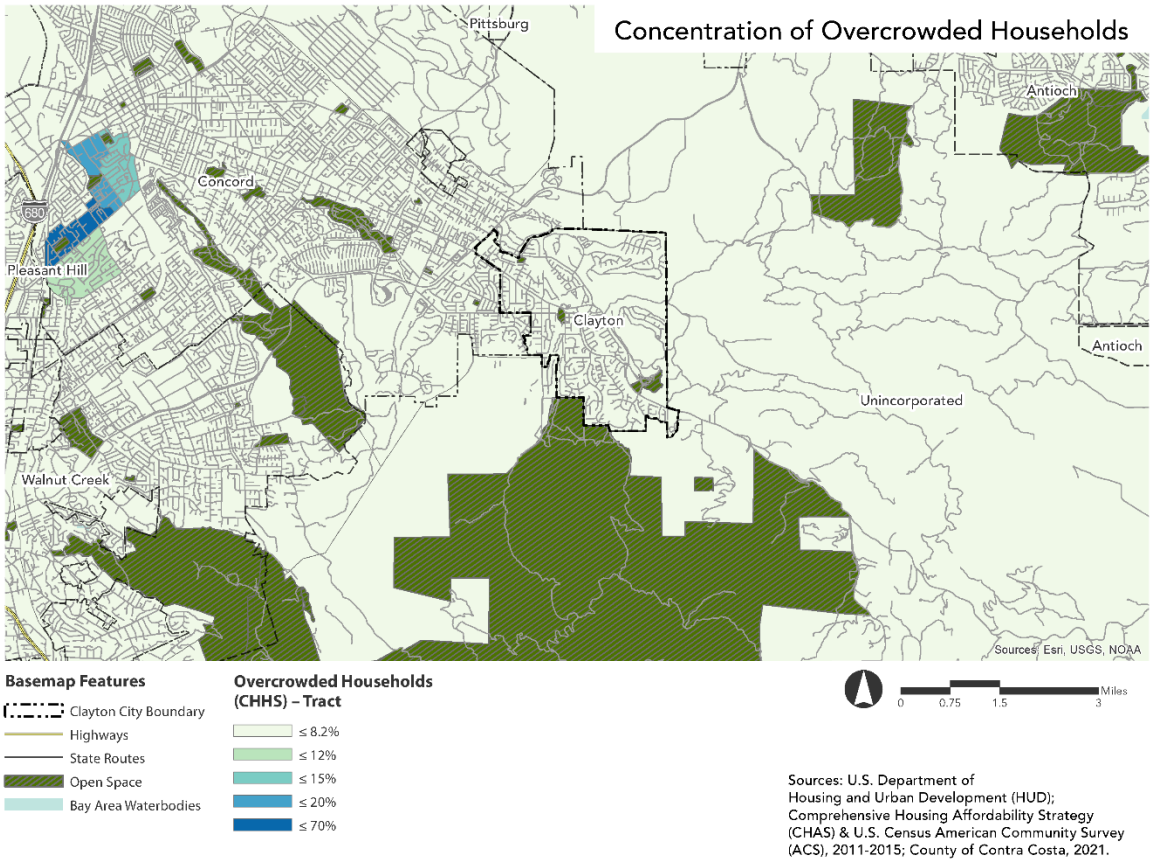
	Contra Costa County		Clayton	
	Overcrowded (>1.0 persons per room)	Severely Overcrowded (>1.5 persons per room)	Overcrowded (>1.0 persons per room)	Severely Overcrowded (>1.5 persons per room)
Owner-Occupied	1.1%	0.2%	1%	0%
Renter-Occupied	6.9%	2.5%	0%	0%
All HH	2.6%	0.8%	1%	0%

Source: American Community Survey, 2015-2019. Table B25014

Figure 7-38 shows that the entire City has less than 8.2 percent of tracts with overcrowded households. The surrounding cities of Concord and Walnut Creek generally have a similar percentage below 8.2 percent, though Concord has some areas along the Monument Boulevard corridor reporting higher rates of overcrowding above 70 percent.

Overcrowding becomes more prevalent in communities along the ~~strait~~its~~Carquinez Strait, Suisun Bay and San Joaquin River waterfronts. Most of Antioch experiences overcrowded households below 8.2 percent, but an area close to the ~~coast~~riverfront shows percentages below or equal to 12 percent. Pittsburg households experience overcrowding rates below 8.2 percent, 12 percent,- 15 percent, and as high as 20 percent. Unincorporated Bay Point experiences overcrowding rates at 12 percent and 15 percent. Martinez households, similar to Clayton, experience overcrowding rates below 8.2 percent for the entire city.

Figure 7-38: Concentration of Overcrowded Households - Clayton (2021)



SUBSTANDARD CONDITIONS

Incomplete plumbing or kitchen facilities can be used to measure substandard housing conditions.

Regional Trends

According to 2015–2019 ACS estimates, shown in Table 7-17, 0.86 percent of households in Contra Costa County lack complete kitchen facilities and 0.39 percent of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

Local Trends

Clayton households do not have any record of owner or renter units lacking complete kitchen or plumbing facilities (Table7-15~~67~~).

Table 7-15~~67~~: Substandard Housing Conditions – Contra Costa County and Clayton

	Contra Costa County			Clayton		
	Owner	Renter	All HHs	Owner	Renter	All HHs
Lacking complete kitchen facilities	0.19%	0.67%	0.86%	0%	0%	0%
Lacking complete plumbing facilities	0.19%	0.20%	0.39%	0%	0%	0%

Source: Source: American Community Survey, 2015-2019, table B25053, B25049

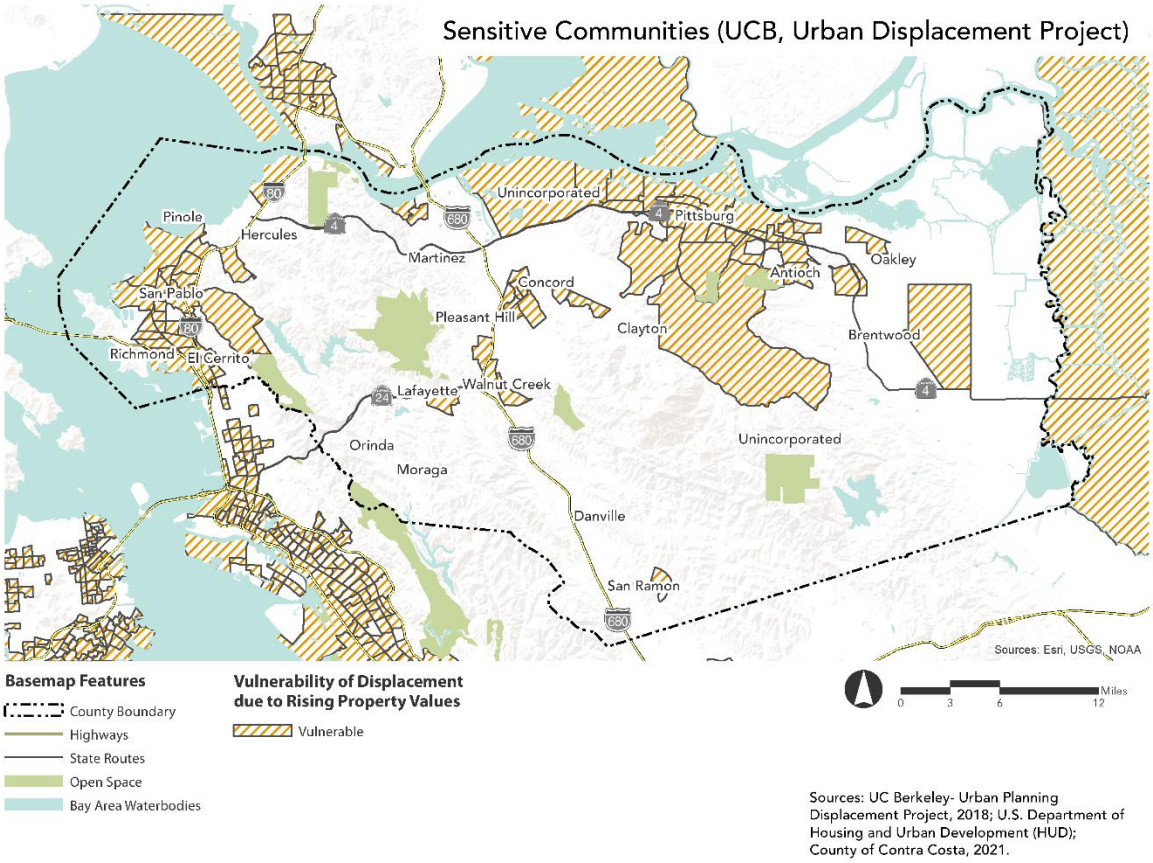
DISPLACEMENT RISK

Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in. The University of California at Berkeley's Urban Displacement Project states that a census tract is a sensitive community if the proportion of very low-income residents was above 20 percent in 2017 and the census tracts meet two of the following criteria: 1) share of renters above 40 percent in 2017; 2) share of Non-White population above 50 percent in 2017; 3) share of very low-income households (50 percent AMI or below) that are also severely rent burdened households above the county median in 2017; or 4) nearby areas have been experiencing displacement pressures.

Regional Trends

Using this methodology, sensitive communities were identified in areas between El Cerrito and Pinole; Pittsburg, Antioch, and Clayton; East Brentwood; and unincorporated land in Bay Point. Small pockets of Sensitive Communities are also found in central Contra Costa County from Lafayette toward Concord (refer to Figure 7-39).

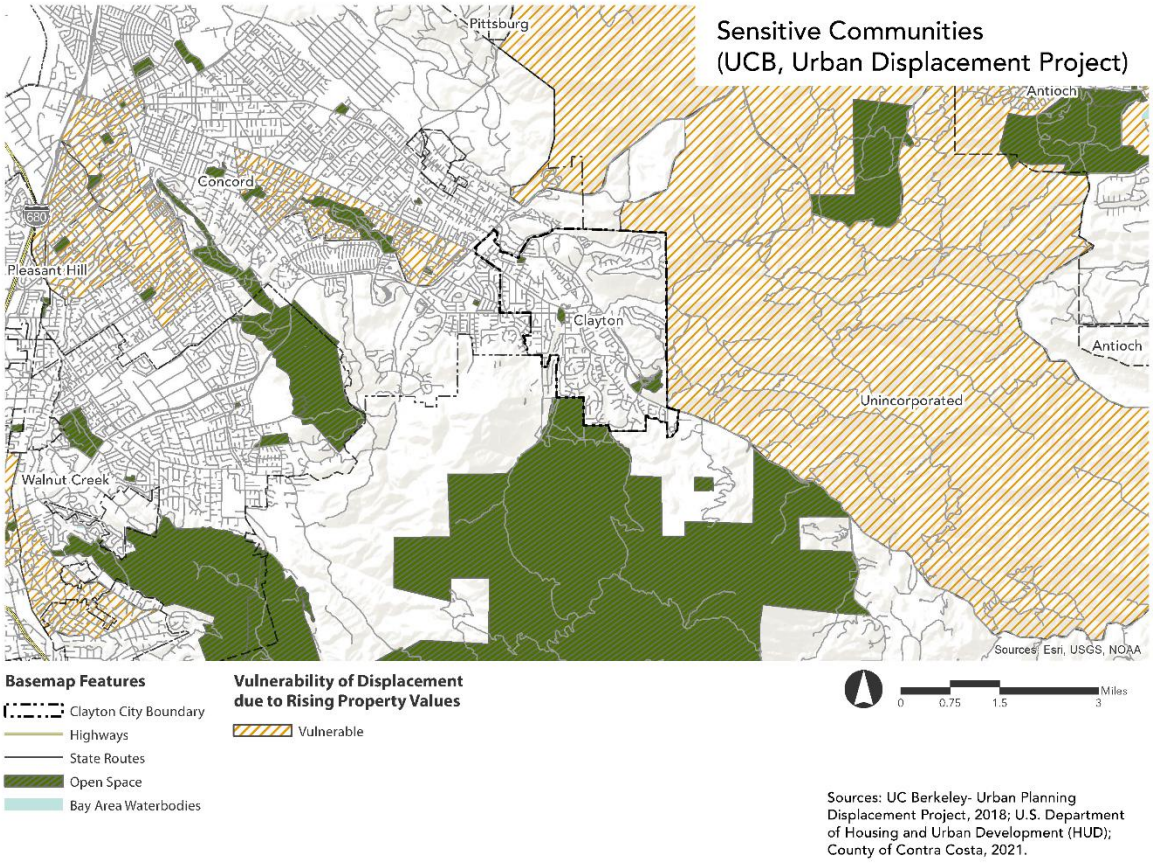
Figure 7-39: Regional Sensitive Communities at Risk of Displacement by Tract (2021)



Local Trends

There were no sensitive communities identified in Clayton as of 2021 (Figure 7-40). The nearby cities of Concord and Walnut Creek both have areas identified as sensitive communities subject to potential displacement. Sensitive communities are much more prevalent within the communities along the ~~straits~~Carquinez Strait, Suisun Bay and San Joaquin River waterfronts, indicating more vulnerability to displacement. Areas of Antioch, all of Pittsburg, all of Bay Point, and a coastal section of Martinez were identified as sensitive communities. Rising property values in these areas put communities with lower incomes and resources at risk of being displaced from previously affordable environments.

Figure 7-40: Sensitive Communities (UCB, Urban Displacement Project) – Clayton (2021)



SITES INVENTORY ANALYSIS

The City of Clayton does not have concentrations of low income or minority households; thus, the sites inventory is not resulting in further concentration of affordable housing in such areas. The City strategically plans to accommodate lower-income housing along corridors and in the town center, both areas with access to services and regional transit routes.

CONCLUSIONS

The table below summarizes the issues identified in this Assessment of Fair Housing.

Table 7-1~~6~~7~~8~~: Fair Housing Summary

Fair Housing Issue	Summary
Integration and Segregation	
Low to Moderate Income Populations	Western Clayton has census tracts where the LMI population rises to 25 to 50 percent.
Housing Choice Voucher Use	The western edge of Clayton with experiences HCV use between 5 and 15 percent.
Median Income	The eastern part of Clayton has households with income levels below $30,000 and the western part of

Fair Housing Issue	Summary
Integration and Segregation	
	Clayton has households with income levels below $125,000 which is lower than the rest of the City.
Access to Opportunities	
Transportation	The City receives a 3 out of 9+ score for transportation according to AllTransit.
Economic	Most of Clayton has a jobs proximity index of below 20 (the furthest proximity), with only the southern part of the City receiving scores between 20 to 40. TCAC economic score are between .50 to .75 and .25 to .50, with .75 indicating a more positive economic outcome.
Disproportionate Housing Needs	
Cost Burden	42 percent of all Clayton households experience a cost burden; this percentage is higher for renters (55 percent) than owners (41 percent).
Overpayment by Renters	Almost all of Clayton renter households experience overpayment between 40 to 60 percent.

Contributing Factors

A number of factors may contribute to the fair housing issues identified in Clayton:

- **High cost of living** – Median rent in Clayton is above $2,500 and median property value is $771,400[3].
- **Small workforce** – As of 2019, the employed population of Clayton was 5,920, only 48 percent of the total population[4].
- **Homogenous population** – 74.6 percent of Clayton residents are non-Hispanic White.
- **Limited expansion** – Clayton is mostly built out and constrained by geologic conditions and steep topography ~~graphic features~~ to the east and south.

Meaningful Actions

- Prioritize alternate and affordable housing types ~~like~~ such as affordable multifamily and accessory dwelling units, transitional housing, and supportive housing for individuals unable to afford the high cost of rent and home prices, by streamlining zoning and fees and offering incentives for these housing types. This will also contribute to more diverse individuals being able to move into the City and may encourage younger families to establish roots.
- Prioritize capital improvement projects to bring greater alternative mobility connectivity into, out of, and within Clayton (transit, bicycle infrastructure, sidewalks). This can help to provide more

[3] Datausa.io

[4] Datausa.io

economic opportunities in Clayton by attracting more businesses and allow lower-~~-~~income families without personal vehicles to live in the City.

- ~~Create inclusionary requirements for new housing to allow a more diverse population access to housing in Clayton.~~

Table 7-~~17~~18: AFFH Meaningful Actions Matrix

HE programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	2021-2029 Metrics
Integration and Segregation				
Program B2: Town Center Mixed Use	The City will amend the Town Center Specific Plan to allow for and encourage compact, creative types of housing, including live/ work units, senior housing, efficiency apartments, and co-housing.	2024	Citywide	The Specific Plan will be amended by 2024.
Program D1: General Plan and Zoning Code Amendments to Remove Constraints	The City will amend the General Plan Land Use Element to clarify density ranges for multi-family housing and make amendments to the zoning code increasing zoning for multi-family housing and encouraging development of housing at all income levels.	June ~~and March~~ 2023	Citywide	~~Once~~ Concurrently with adoption of the Housing Element ~~is adopted~~, the City will prepare~~d~~ the General Plan Land Use ~~and Zoning Code~~ amendments with a ~~deadline of January 31st 2023 and~~ goal of adoption before June 2023.
Program D2: Zoning Code Amendments	The zoning code amendment will include the provision that the City allow residential development by right for any project with at least 20 percent of the units affordable to lower-income households.	2023~~4~~	Citywide	Zoning code amendments will be completed by ~~January 31, 2024.~~June 2023.
Program G1: Monitoring	The City will consider modifying the Affordable Housing Plan ordinance to expand application to both ownership and rental developments and may lower the threshold for providing affordable units to fewer than 10 units. The City will also consider adjusting in-lieu fees and	2026, with potential implementation in 2028	Citywide	The City will investigate expanding requirements to rental housing and lowering the threshold by 2026 and implementing

	consider offering other options for constructing off-site housing.			by 2028~~ if appropriate~~.
Access to Opportunities				
Program E: Increased Homebuying Opportunities	The City will refer interested persons to information regarding Contra Costa County's Mortgage Credit Certificate Program, Mortgage Revenue Bond Program, Owner-Occupied Housing Rehabilitation Program, and other programs the County may offer over time.	2023 and annually	Citywide	Add to City's Housing webpage and update resource links annually. Make at least 10 referrals annually.
Program E2: Mortgage Assistance	The City will seek funding to develop and implement a sustainable down payment assistance program for first -time home buyers by working with the County or developing the City's own program.	2025	Citywide	The City will examine funding sources and program opportunities by 2025. The goal will be to assist at least two home buyers annually once a program is in place.
Disproportionate Housing Needs				
Program B1: Accessory Dwelling Units	The City will facilitate the development of 10 ADUs annually by publicizing information in the general application packet and posting information on the City website, creating a preapproved set of construction plans for several types of ADUs, and providing~~e~~ incentives for developers of new housing to use ADUs to meet City inclusionary housing requirements.	2023 and annually	Citywide	Information will be publicized on the City website by June 2023, standard plans will be created by the end of 2023, and other efforts will continue annually. The goal is to facilitate 10 ADUs annually.
Program B3: Affordable Housing Development	The City will create a database of sites to help developers identify suitable sites for affordable residential and mixed-use development. Additionally, the City will prioritize affordable housing applications, encourage the use of density bonus provisions, alert developers when opportunities are available, and	Annually	Citywide	The database will be developed and the expediated process and priority policy will be in place by the end of 2024. The City will proactively reach out to at least

	adopt a policy to provide priority water and sewer services to new low-~~-~~income housing developments.			one developer annually.
Program I1: Monitor and Provide Options	To keep Stranahan subdivision housing units affordable, the City will notify affordable housing providers regarding the potential availability of the units for sale one year prior to the covenant expiration, send letters to property owners of units that are at risk encouraging owners to allow affordable housing providers to purchase the units, and amend~~ing~~ Clayton Municipal Code (CMC) Chapter 17.92 to allow purchase of these units and extending the affordability covenants as a means of satisfying inclusionary housing goals.	2024	Citywide	The City will contact potential non-profit purchasers in 2024, send letters to property owners of at-risk units 3 years, 1 year, and 6 months prior to expiration, and consider amendments to CMC Chapter 17.92 by 2024, potentially amending by 2025.

8. Community Engagement and Outreach

PUBLIC PARTICIPATION

The Housing Element must reflect the values and preferences of the community. Therefore, public participation plays an important role in the development of this Element. Section 65583(c)(7) of the Government Code states: "The local government shall make diligent efforts to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." This process not only includes residents of the community but also coordinates participation among local agencies and housing groups, community organizations, and housing sponsors.

Engaging the public in the early stages of the decision-making process can help ensure that programming and policies have public support and reflect community values. Including and involving residents in the process helps policy makers and officials gain a stronger understanding of these values and the ideas and recommendations that members of the community believe can advance housing goals. Along with a better understanding of community values, meaningful community engagement keeps residents informed and cultivates trust in public processes.

Community engagement for the City of Clayton's Housing Element included a project webpage, stakeholder interviews, community workshops, and online surveys. Joint and separate work sessions were also conducted with the City Council and Planning Commission to introduce the goals, objectives, scope, and timeline of the Housing Element. Outreach for the sixth cycle Housing Element was challenging because much of the update process occurred during the COVID-19 pandemic. Restrictions on public gatherings prevented the City from holding traditional public workshops. Instead, the City utilized newspaper articles and virtual engagement tools such as online surveys, e-mails, social media posts and web-based meeting platforms to connect with the public. An extensive and direct effort at outreach, facilitated by the City's Mayor and Vice-Mayor with support from community volunteers, consisted of printing and City-wide delivery of doorhangers to residences with information about the Housing Element, directions to where additional information about the Housing Element could be found online, and an invitation to participate in an online housing planning simulation.

Prior to initiating the Housing Element update, the City had engaged a consultant to lead a community engagement effort to identify preferred uses of a City-owned vacant property in Downtown Clayton. As that work got underway, the City recognized the efficiencies of combining that effort with the Housing Element sites identification task, since the City-owned property represents a potential site for new housing. Thus, this approach was adopted.

PROJECT WEBPAGE

The City launched a project webpage (https://claytonca.gov/community-development/housing /housing-element/) to provide content and periodic updates on the Housing Element program, as well as for documents to be uploaded for public review and to announce community engagement opportunities. Residents were also able to find answers to Frequently Asked Questions, review a glossary of terms, and follow the project schedule on the webpage. A "Housing Element" button that directed site visitors directly to the project webpage was added in a prominent location on the main City homepage.

STAKEHOLDER INTERVIEWS

The Housing Element consultant team met with City Council members and Planning Commissioners at the beginning of the Housing Element process to identify key issues, challenges, opportunities, and potential strategies to address housing needs. Due to COVID-19 constraints, the interviews were conducted via phone or online video conferencing. The guiding questions and key findings from the conversations can be found on the Housing Element webpage.

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION (SEPTEMBER 28, 2021)

On September 28, 2021, the City conducted a joint City Council and Planning Commission study session to introduce the consultant team, present the requirements and process of updating the Housing Element, and communicate the roles of the Council and Commission in the process. During the work session, the City reviewed the community engagement strategy and plan, provided preliminary direction to the project team, presented a timeline of next steps, and provided an opportunity to hear initial public comments. No further comments were recorded. Refer to the Appendix for the PowerPoint presentation for the session.

COMMUNITY WORKSHOP #1 (OCTOBER 20, 2021)

On October 20, 2021, the City conducted an online community workshop using video conferencing to gather input from residents regarding their vision for Clayton's future, housing needs, and potential locations for new housing. Twenty-two members of the public attended the workshop. The workshop began with an introduction of the team and a live polling session to better understand the demographic of attendees. The presentation then provided an overview of the Housing Element's intent, content, local housing needs, and potential housing strategies. The presentation was followed by a facilitated discussion regarding housing issues with a real-time digital whiteboard.



Housing Element law requires that targeted outreach occur to often underrepresented households, such as minority, low- and moderate-income, and special needs residents. Clayton's population is relatively homogenous, with 75 percent reporting as White, 10 percent as Hispanic, 2 percent as Black, and around 8 percent as Asian/Pacific Islander (and the rest as "other"). Regarding household income, 79.8 percent are above moderate, 4.8 percent moderate, and the balance of 15.1 percent lower income. In addition to advertising the workshop on the Housing Element webpage and main City homepage, the City posted paper copies of the workshop announcement on three posting boards located at City Hall, the Clayton Library and in Town Center; placed paper copies of the announcement at the Clayton Library; posted virtual copies of the announcement on the City's homepage and social media site (Next Door); and emailed the announcement to representatives of the Clayton Business and Community Association, local church representatives, for-profit and non-profit developers of housing in Clayton, and individuals who had expressed an interest in housing in the City. At the October 19, 2021, meeting of the City Council, the City Manager also announced the date and time of the workshop and extended an invitation for the public to attend. A summary of the workshop is provided in the Appendix.

Key themes that emerged from the discussion included:

- Housing affordability
- Diversity and inclusivity
- Importance of community events for drawing the community together
- Providing housing for young adults and seniors
- Maintaining Clayton's character through consistency in design between new and existing development
- Need for housing variety: smaller units, multi-family housing (semi-detached homes, duplexes, ADUs)
- Concerns about lack of infrastructure to support large development projects
- Use of vacant properties for new housing

At the end of the session, the City and consultant team encouraged participants to stay involved by visiting the Housing Element website and taking the upcoming online survey, and highlighted that there would be additional workshops and opportunities for residents to continue to participate. Refer to the Appendix for the workshop presentation, findings, and digital whiteboard.

PLACE-BASED HOUSING ELEMENT SURVEY (NOVEMBER 5 – DECEMBER 10, 2021)

The City's consultant developed a map-based on-line community survey to learn from residents where they believe the most appropriates sites for new housing are in Clayton. The online questionnaire was available starting on November 5, 2021 and was closed on December 13, 2021. It included several questions focused on housing issues and challenges, possible strategies and solutions for the City, locations for new housing, the community vision and goals, and optional questions to gather demographic information. The survey also incorporated questions regarding the City-owned property in Downtown. Members of the community were invited to provide input on the site's development direction and to submit photos or drawings to support their vision for the site. Concept images were also embedded in the survey to assist those who did not have their own images to share.

The questionnaire was available in English. The City promoted the questionnaire through its website and social media channels, at public meetings and facilities, and through the local monthly newspaper, the *Concord Clayton Pioneer*. City Council members, Planning Commissioners, and community groups were encouraged to share the link on their social media channels and email lists, as well as colleagues, friends, and neighbors. The survey was accessed over 450 times on-line, demonstrating wide reach and successful publication, although fewer than 450 people finished the survey or answered every question. All questions were optional.

While survey results should not be interpreted as statistically representative, the results help identify common and shared themes, concerns, and priorities. The survey provided insights into community priorities and needs. The following are notable results and themes from the questionnaire results.

- Over half (56 percent) of respondents said they were in favor of the potential growth increase in housing in Clayton. Most in support of more housing also indicated concerns about possible impacts of growth.
- When asked to rank the importance of housing issues and challenges in the City, respondents listed traffic and congestion (69 percent), preserving community character (67 percent), limited infrastructure (65 percent), and overcrowding (64 percent) as the top issues, with a 10 out of 10 ranking.
- A lack of diverse housing options (34 percent) and housing supply (30 percent) were the least important housing issues, with several participants ranking these issues 1 out of 10.
- When asked to rank the strategies or solutions that are appropriate for Clayton, participants indicated that supporting homeowners who want to build ADUs or in-law units on single-family lots (38 percent) and encouraging the rehabilitation of existing housing in older neighborhoods (21 percent) were the top options, with a 10 out of 10 ranking.
- Providing shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing (48 percent) and targeting efforts to address long-term inequities in the housing market (42 percent) were the least important strategies, with several respondents ranking these issues 1 out of 10.
- A quarter of respondents indicated that new housing should blend in with the character of surrounding neighborhoods (25 percent), and nearly a quarter of respondents said that new housing should be located where it will have the least impact on traffic (22 percent).

With respect to the Downtown site:

- Respondents were most supportive of entertainment and commercial uses (30 percent) for the site, followed by arts and cultural uses (20 percent) and commercial uses (18 percent).
- Of all the concept images for example housing types for the Downtown site shown in the survey, participants indicated the highest level of support for mixed-use housing combined with dining, retail, and grocery stores.
- Of all the concept images for example housing types for the Downtown site shown in the survey, participants indicated the lowest level of support for new apartments/condominiums, commercial offices, townhomes, and entertainment/arts center.

See the Appendix for a complete survey summary.

CITY COUNCIL STUDY SESSION ON HOUSING ELEMENT GOALS (JANUARY 4, 2022)

On January 4, 2022, City staff provided a progress report to the City Council on the Housing Element update to allow for discussion and to have the Council direct staff regarding draft housing element goals. The progress report introduced preliminary housing opportunity sites and briefed the Council on planned community engagement opportunities, potential need to rezone properties to support the RHNA, and the schedule for compliance with the California Environmental Quality Act (CEQA).

Key issues brought forward by members of the public included:

- The importance of the Housing Element in light of increasing rent prices, unattainable homes with average prices over $1,000,000, and the lack of affordable housing near jobs and transit that could push out long-standing members of the community
- Providing measurable goals with respect to the climate crisis and the need to manage climate risk and increase climate resilience through energy in the built environment and nature-based solutions
- Suggestion to remove Site J from the preliminary opportunity sites due to its proximity to an existing quarry and its role in carbon sequestration and wildfire mitigation as an open space
- Request for more community engagement efforts moving forward

City staff shared with the City Council two letters that they received from Greenbelt Alliance and East Bay for Everyone, with other partnering community organizations undersigned. The letters included housing policy recommendations for climate resilience and comments on specific sites identified in the preliminary site analysis.

See the Appendix for the meeting agenda and complete letters.

PLANNING COMMISSION STUDY SESSION ON THE HOUSING ELEMENT, CEQA, AND BALANCING ACT DEMONSTRATION (FEBRUARY 22, 2022)

City staff provided a work program status report to the Planning Commission on February 22, 2022. This included a demonstration of the public engagement opportunity consisting of a housing planning simulation (Balancing Act) to be posted to the City website at the end of February 2022.

Only one public comment was recorded for the session, with the person asking whether all housing was proposed to occur on one site. The commenter was informed that the Housing Element would include potential housing units on multiple sites and that the Housing Element included the entire city, not one discrete location.

BALANCING ACT HOUSING SIMULATION (FEBRUARY 25 - APRIL 3, 2022)

Between February 25 and April 3, 2022, the City offered an opportunity for residents and other interested parties to participate in the Clayton Housing Balancing Act simulation. The Balancing Act Community Survey is a virtual simulation. For Clayton, participants reviewed 15 vacant and underutilized sites in the city and were asked what density of housing they preferred to see on each site. Participants started with a default density of either 2 or 3 units per acre on each site and were allowed to change density in

increments of 1 unit per acre; changes could be made to reflect density as low as 0 units per acre if they did not want to see housing on a site and up to as many as 30 units per acre.

To announce the opportunity to participate, City staff used the following approaches:

1. Demonstration of Balancing Act at the regular Planning Commission meeting of February 22, 2022
2. Flyers on three community posting boards located near City Hall, the Clayton Library, and in the Town Center; copies of the flyers were also available for visitors to take from the lobby of the library.
3. E-mails to persons and organizations who expressed interest in the Housing Element Update process and virtual announcements on Next Door and on the City's homepage at www.claytonca.gov
4. Volunteer effort facilitated by the City's Mayor and Vice Mayor to place door hangers on each residence in the City



All printed and virtual announcements included a QR code linked directly to the Housing Element page, as well as directions for how to access the City's Housing Element webpage without using the QR code. A link to the simulation and a brief introductory video message from the Mayor were embedded at the top of the Housing Element webpage.

In the 38 days the simulation was accessible to the public, it was accessed 382 times, with each participant spending an average of 16 minutes and 17 seconds within the program. At the time of closing of the simulation on April 4, 2022, a total of 44 housing plans had been submitted.

See the Appendix for a complete summary of respondent demographics (age and neighborhood of residence), submitted housing plans, and written comments.

PLANNING COMMISSION AND CITY COUNCIL WORKSHOPS ON THE DRAFT HOUSING ELEMENT

The draft Housing Element was made available for public review on May 20, 2022. In May and June, 2022, the Planning Commission and City Council conducted a series of public workshops to review the draft Housing Element. The Commission met first on May 24, 2022, with the intent to forward comments and recommendations to the Council for consideration. The Commission made preliminary recommendations and expressed a desire to conduct a second study session. On May 31, the Council met to review the element and the Commission's initial ideas, then tabled a decision pending completion of the Commission's review at a subsequent workshop, which occurred on June 14, 2022. The Council conducted the fourth and final draft Housing Element workshop on June 23, 2022, directing final revisions to be incorporated into the draft submitted to HCD for review. Members of the public attended all four workshops.

ENVIRONMENTAL REVIEW

Through the project environmental review process, residents also had the opportunity to weigh in on the housing plan and related environmental impacts. The Notice of Preparation period extended from March 2 through April 4, 2022. The City conducted an Environmental Impact Report (EIR) scoping session on March 8, 2022 as part of a Planning Commission meeting. At that meeting, a meeting attendee commented that there are regional and global environmental benefits of density with respect to increasing housing affordability and reducing vehicle miles and vehicle air emissions, and he encouraged building more units than the City's RHNA. A second speaker requested that the EIR include an analysis of potential housing impacts on schools and referenced a school district report that projected that Clayton's elementary school would reach capacity. In addition to spoken comments voiced at the scoping session, the City received two written comment letters in response to the NOP, from the California Department of Transportation and the Native American Heritage Commission.

As required by law, the EIR circulated for a 45-day public review period, and responses to public comments were prepared to produce the Final EIR for public hearings.

Section II

LAND USE ELEMENT

PREAMBLE

GOALS, OBJECTIVES, POLICIES, AND IMPLEMENTATION MEASURES

LAND USE DESIGNATIONS

RESIDENTIAL DESIGNATIONS

COMMERCIAL DESIGNATIONS

PUBLIC AND QUASI PUBLIC FACILITY

OPEN SPACE DESIGNATIONS

ANNEXATIONS AND SPHERE OF INFLUENCE

PREAMBLE

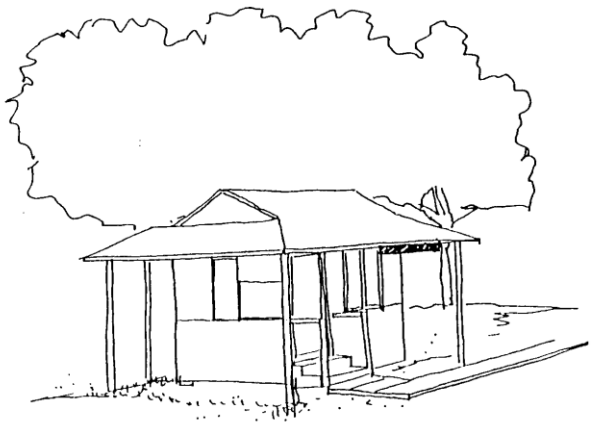
It is important to recognize that this General Plan describes the kind of city that Clayton intends to become. The Plan is the culmination of a legally defined process of citizen review, professional advice, public hearings, and adoption. The Plan, subject to periodic review, is a living document which takes on meaning as it is translated into policies and regulatory ordinances.

When an amendment to the Plan is considered, the proposed amendment must be considered in the context of the following goals, objectives, and policies and any such amendment must be shown to be consistent with them.

LAND USE ELEMENT

GOALS

1. To maintain the rural character that has been the pride and distinction of Clayton.
2. To encourage a balance of housing types and densities consistent with the rural character of Clayton, while accommodating higher density housing types in appropriate locations.
3. To preserve the natural features, ecology, and scenic vistas of the Clayton area.
4. To control development through appropriate zoning, subdivision regulations and code enforcement.
5. To provide a comprehensive, integrated, greenbelt system, which includes bicycle, equestrian, and walking paths and is connected to regional systems.
6. To encourage a pedestrian-oriented community with areas of open space and recreational facilities for public use.
7. To enhance the sense of identity and pride in and to encourage historical awareness of Clayton.
8. To ensure an adequate commercial tax base for Clayton.
9. To create and maintain an attractive Town Center area and to make it the commercial, civic, and heritage focus for the community.
10. To provide housing opportunities which serve the varied social and economic segments of the Clayton community. (Amended by Resolution 64-98, dated 12/1/98)



CLAYTON CITY HALL

GOAL
To provide a mixture of land uses that responds to needs of the City of Clayton.

Residential

Objective 1
To retain the rural character of Clayton through ~~a predominance but not exclusive~~ use of single-family, low-density residential development and preservation of open space, while also ensuring opportunities are provided in the City for small-lot single-family and multifamily development types near transportation, jobs and services ~~balancing needs of the housing element and preservation of open space~~. (Amended by Resolution 21-81, dated 5/16/87)

Policies

1a Establish density designations based on terrain, circulation, adjacent uses and area characteristics.

1b Identify a variety of densities, which decrease as slope increases.

1c Permit ~~limited~~ higher density housing opportunities in areas proximate to jobs and services, public facilities and multimodal transportation infrastructure.

1d Preserve historic structures and open space areas with uses such as community facilities, bed and breakfast facilities, or large single-family homes.
(Amended by Resolution 43-95, dated 6/28/95)

1e Encourage the clustering of development to preserve open space.
(Amended by Resolution 43-95, dated 6/28/95)

1f Ensure that new residential development is constructed in accordance with minimum densities of the land use designation in which the development is located.

Objective 2
To preserve the natural beauty and the feeling of openness in the community by preserving ridgelines and limiting development in the hills.

Policies

2a To prevent deterioration of scenic or sensitive areas, development should be clustered in less sensitive areas and an Open Space designation should be applied to undeveloped portions of parcels. (Amended by Resolution 43-95, dated 6/28/95)

2b Promote mitigation measures that maintain the aesthetic quality of the hills in transition areas.

Objective 3
To establish boundaries for the City of Clayton that follow standard principles of urban design and municipal development.

Policies

3a Promote annexation of all land area within the City's Sphere of Influence, provided there is no drain on current City resources.

3b Encourage Contra Costa County to follow the example of Santa Clara County and other progressive counties in establishing policies supporting city annexation within spheres.

3c The City should review its Sphere of Influence at least every five years and request a boundary amendment as needed. (Amended by Resolution 43-95, dated 6/28/95)

Commercial

Objective 4

To plan for and promote adequate commercial facilities to serve the needs of Clayton residents.

Policies

4a Expand the commercial tax base in appropriate areas.

4b Maintain the Town Center and the commercial areas of Kirker Pass Road and Marsh Creek Road as the sole areas for commercial development.
(Amended by Resolution 43-95, dated 6/28/95)

4c Require a master development plan for combination of parcels where appropriate.

Objective 5

To prevent strip development and other inappropriate commercial uses.

Policies

5a Review commercial development to ensure compatibility with surrounding uses and the environmental setting.

5b Provide strict control of nuisance characteristics of uses.

Major Developments

Objective 6

To promote development of the Keller Ranch with Clayton.

Policies

6a Require a design constraints analysis prior to Keller Ranch development.

6b Review the design for Keller Ranch as a whole rather than a piecemeal process.

6c Incorporate or promote adoption of all reasonable mitigation measures for Keller Ranch development whether in the City of Clayton or in another jurisdiction.

Objective 7

To promote community amenities within the Keller Ranch development.

Policies

7a Support development of a country club facility that would include a golf course, tennis courts, swimming pool, clubhouse, restaurant, overnight accommodations and other uses deemed ancillary by the Planning Commission.

7b Support establishment of a Heritage Center that would permit uses that support historical heritage and community activity within the Town Center.

7c Support development of community playfields. (Amended by Resolution 21-87, dated 5/16/87)

Objective 8

To direct development of Keller Ranch within appropriate areas as constrained by topography, visual corridors, geologic factors, water courses and other planning considerations.

Policies

8a Utilize map designation footprint to indicate development form.

8b Permit density transfer among residential development areas within the overall unit limit.

8c Designate Country Club and athletic field facilities as Open Space/Facility.

8d Permit minor design deviation among residential development, open space, open space/facility, and commercial designation footprints through the Planned Development approval process. (Amended by Resolution 21-87, dated 5/16/87)

LAND USE DESIGNATIONS

The General Plan Diagram indicates application, location, extent, type and density of development. Designations provide assurance of city policy and guidance to homeowners, landowners, and developers. (Amended by Resolution 25-2004, dated 6/1/04)

RESIDENTIAL DESIGNATIONS

There are seven residential designations, with~~. The~~ density ranges ~~for each residential land use designation are~~ that are based on the developable acreage of the parcel. Developable acreage and residential density calculations are further defined and described in the Clayton Municipal Code regarding residential parcels with sensitive land areas. Maximum density is allowed for sites designated in the Housing Element~~cannot be guaranteed but will fall within the range identified for each residential land use designation~~. Due to differences in developable acreage because of the constraints attributable to sensitive land areas, all other residential parcels with sensitive land areas shall fall within the not to exceed maximum density for developable acreage and shall not have a minimum density requirement. Second dwelling units are exempt from the

determination of residential densities.

(Amended by Resolution 14-2017, dated 5/16/17)

When clustering is proposed for development, the City may provide relief from the lot coverage standards discussed below.

Unless otherwise noted, the following uses are allowed in each of the General Plan residential categories, provided they meet the requirements of the underlying zoning district, applicable specific plan policies and guidelines, and applicable general plan policies:

- Schools;
- Churches and places of worship;
- Public / quasi-public buildings and facilities;
- Day care centers, family day care homes, and residential care facilities;
- Bed and breakfast facilities;
- Lodges, fraternal organizations, and clubs;
- Crop and tree farming and horticulture, not including the raising or keeping of any animals other than ordinary household pets; and
- Publicly-owned parks and playgrounds.

(Amended by Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Additional uses allowed under each category are described below.

Rural Estate (0 to 1.0 Units Per Acre)

This density range is intended for single-family estates, or horse set-ups on individual lots of an acre or more. Allowable uses include single-family homes, private stables and corrals with access to greenbelts and equestrian facilities, and accessory structures and uses normally auxiliary to them. ~~Second~~ Accessory dwelling units are also allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family Low Density (1.1 to 3 Units per Acre)

This density range is intended for development of single-family houses on lots that range between 12,500 and 40,000 square feet. This designation has been the predominant density in Clayton. Uses allowed under this designation include single-family homes, and the accessory structures and uses normally auxiliary to them. ~~Second~~ Accessory dwelling units are also allowed but are not used in the calculation of development density.(Amended by Resolution 21-87, dated 5/16

Single Family Medium Density (3.1 to 5 Units Per Acre)

This density is intended for and allows planned unit development (PUD) and single-family subdivisions. Development will range from a standard single-family subdivision to a zero lot line or single-family home. Accessory structures and uses normally auxiliary to them are also allowed, as well as ~~second~~ accessory dwelling units, although accessory dwelling units are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family High Density (5.1 to 7.5 Units Per Acre)

This designation is an urban single-family density that will allow patio homes, zero lot

line and cluster homes in a PUD development. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units. Second dwelling units are also allowed but are not used in the calculation of development density. Development will require innovative design with a combination of development concentration and open space. Development intensity will permit individual parcel coverage of up to 75% provided common open space is provided. Development excluding recreational amenities shall not exceed total structural land coverage of 25%.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Multifamily Low Density (7.6 to 10 Units Per Acre)

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as single family detached dwellings on smaller lots ~~with a conditional use permit~~, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. Structural coverage, excluding recreational amenities, shall not exceed 40% of the site area. ~~Second~~ Accessory dwelling units are allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 11-2012, dated 4/3/12)

Multifamily Medium Density (10.1 to ~~15~~20 Units Per Acre)

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 50% of the site area. ~~Second~~ Accessory dwelling units are allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 25-2004, dated 6/1/04, and Resolution 11-2012, dated 4/3/12)

Multifamily High Density (20.1 to 30 Units Per Acre)

This designation is intended for and allows two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near ~~major public~~ multimodal transportation infrastructure and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area. Permitted density may be increased to 40 units per acre for residential developments that are 100 percent affordable to low-income households. Accessory dwelling units are permitted but are not used in the calculation of development density.

(Resolution 11-2012, dated 4/3/12, Amended by Resolution 49-2016, dated July 19, 2016)

Institutional Density (~~7.6~~10.1 to ~~20~~30 Units Per Acre)

This designation is intended for development of various forms of ~~senior~~ housing under sponsorship of public or quasi-public agencies. ~~The density of senior projects is not always equivalent to standard concepts of density; therefore, a~~ A density range of 10.1~~7.6~~ to ~~20~~30 units per acre may be permitted. Developments may include on-site services for residents, such as group dining, counseling and child care services, in addition to common meeting rooms and recreational amenities. Structural coverage, excluding recreational amenities, shall not exceed 75% of the site area. Permitted density may be increased to 40 units per acre for residential developments that are 100 percent affordable to low-income

households. Accessory dwelling units are permitted but are not used in the calculation of development density. ~~Group dining, limited vehicles, medicine dispensing services and other characteristics make this form of housing unique.~~

~~Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated. Development intensity can reach 100% structural coverage of each individual parcel. Structural coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.~~

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, Resolution 25-2004, dated 6/1/04, and Resolution 11-2012, dated 4/3/12)

Residential Density and Population Projections

The 2019~~10~~ U.S. C~~e~~ensus Bureau, American Community Survey indicated that Clayton had an average population of ~~2.72~~2.83 persons per unit for occupied units. Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

The analysis of the relationship of units per acre to population is not direct. Population is based on relationship of residential unit size and living pattern of residents. Generally, the size of the units will indicate the number of bedrooms. Variables include the reduced size of the family, larger homes on smaller lots, ethnic and cultural preferences for family size and use of space, economic fluctuations, percentage of unmarried shared rent households and changes in taste. The projected population levels are as follows:

Designation	Persons Per Unit
Rural Estate	3.3
Low Density	3.1
Medium Density	2.8
High Density	2.5
Multifamily Low Density	2.3

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 11-2012, dated 4/3/12)

COMMERCIAL DESIGNATIONS

The commercial designations, including uses and development standards are listed below. The development standards apply to the net acreage of the commercial parcels and exclude any areas dedicated for public right-of-way. (Amended by Resolution 05-2007, dated 2/6/07)

Town Center

This designation is located in the center of the City of Clayton which has been a historical commercial center since Clayton's inception.

Uses

The uses allowed within this designation are the retail sales, commercial service, restaurant, bar, commercial recreation, child day care, office, ~~upper-floor~~ residential uses above or behind street fronting commercial uses, visitor-accommodation uses listed in the "Town Center Commercial" land use designation of the *Town Center Specific Plan*. Population in residential uses is estimated at 1 person per 300 square feet.

All new development projects shall be reviewed for design compatibility with existing structures, as well as the theme and character of the Town Center, as described in the *Town Center Specific Plan*. Building height shall not exceed forty (40) feet. Structural coverage of a site primarily used for ground-floor retail with upper-floor retail, upper-floor office, and/or upper-floor residential purposes shall comply with the standards listed below. Structural coverage of a site primarily used for ground-floor office purposes or other uses shall not exceed thirty-five (35) percent.
(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

1. Parcels 10,000 square feet or less: Up to one hundred (100) percent structural coverage.

2. Parcels between 10,001 and 40,000 square feet: Up to the percent structural coverage allowed by the following formula.

   $X = 100 – 2 (Y – 10)$

   X is the Maximum Structural Coverage in percent

   Y is the Square Footage of the Parcel in 1,000's of square feet

   For example, a 30,000 square foot parcel is allowed 60 percent structural coverage.

   $X = 100 – 2 (30 – 10)$

   $X = 100 – 2 (20)$

   $X = 100 – 40$

   $X = 60$

3. Parcels greater than 40,000 square feet: Up to forty (40) percent structural coverage.
(Amended by Resolution 05-2007, dated 2/6/07)

Development projects must comply with the structural coverage standards applicable to the square footage of the respective Parcel(s) as shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007. Notwithstanding this provision, any Parcel larger than one acre may be initially subdivided into two parcels. Upon subdivision, each resultant parcel (termed "Resultant Parcel") shall be subject to the applicable structural coverage standard set forth in the above criteria which shall continue to apply to any further subdivision of a Resultant Parcel. (Amended by Resolution 05-2007, dated 2/6/07)

Additional Town Center discussion may be found in the Community Design Element.

Kirker Corridor

Kirker Corridor represents the only commercial location in the city limits of Clayton that has regional potential. Nearly all of Clayton's sales tax dollars are lost to neighboring communities. The Kirker Corridor represents a series of sites that can serve to recapture a

portion of that lost income, provide local control over the types of shops and facilities needed and reduce the extent of travel to commercial centers further away. The primary emphasis is on retail facilities although the complementary office and retail service uses are necessary for variety and market balance. Structural coverage shall not exceed thirty (30) percent of the site and height shall not exceed fifty (50) feet.

(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

Uses

All uses permitted in the Town Center. In addition, the following shall be permitted: auto sales and service, hotel and motel, wholesale distribution and other commercial uses determined to be consistent with the designation and overall development.

In order to prevent the Kirker Corridor from becoming a strip commercial site or to limit potential for future development, it will be necessary to present any specific proposal within the context of concept master plans for the entire area covering issues such a circulation, architectural design theme, and site planning.

Convenience Commercial

This designation is highly restricted and designated for those sites that provide specific commercial needs for the community. Currently there are two sites along Marsh Creek Road where such uses exist; a landscape nursery exists near the town center, and a general store operates in the Marsh Creek Road Specific Plan area. This designation allows retail uses of a neighborhood convenience nature where facility and operation are compatible with surrounding residential areas. Structural coverage on these sites shall not exceed twenty-five (25) percent of the site area. Building height shall not exceed thirty five (35) feet.

(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

Implementation

Implementing ordinances shall be developed to guide and control use and appearance for all commercial designations. Development in the Kirker Corridor shall produce a unified concept.

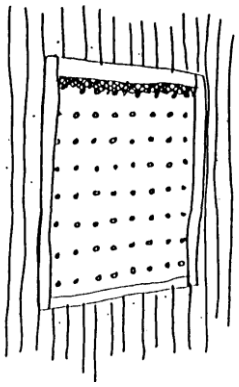
The size of Clayton and its commercially designated area provides a series of limitations on the extent of uses that can be permitted. Uses that do not fit into the categories mentioned, such as mini-warehouse, contractor yards and non-office industrial uses, may have to locate elsewhere due to the severe space limitations.

PUBLIC AND QUASI PUBLIC FACILITY DESIGNATIONS

This designation applies to public and private school facilities, city facilities, fire district facilities, and other public and quasi-public uses. Day care facilities are consistent with this designation.

New public facilities should be located so that they will not intrude on residential areas. Where a public facility must be located adjacent to residences, all feasible mitigation measures shall be considered.

(Amended by Resolution 21-87, dated 5/16/87)



JAIL WINDOW:
PERFORATED BROILER
PLATE



OPEN SPACE DESIGNATIONS

The City of Clayton seeks to preserve open space and provide recreational opportunities to Clayton residents within the City Limits. Four designations have been created to fulfill these goals: Private Open Space, Public Park/Open Space, Quarry, and Agriculture. The following text describes these four categories:

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 43-95, dated 6/28/95)

1. **Private Open Space (PR)**

   This designation includes privately-owned open spaces. Typical examples in Clayton include the Oakhurst golf course and areas where development has been clustered to retain open space. Other examples include private recreational facilities such as the riding club southeast of Clayton, the swimming pools at Marsh Creek Park Villas and Dana Hills, and the open space within Dana Hills and Westwood. These facilities allow individuals to expand their recreational opportunities at a cost and benefit to the users rather than the public at large. Such facilities should be promoted so long as traffic, noise and other related impacts are mitigated.

   Only open space development, recreation and preservation are allowed in this designation. Owners' potential rights to other types of development on these properties have been clustered on adjoining parts of some parcels.

   (Amended by Resolution 43-95, dated 6/28/95)

2. **Public Park/Open Space/Open Space and Recreational (PU)**

   This designation applies to lands under City, County or State jurisdiction. Such uses within the planning area include City-owned open space areas and developed neighborhood and community parks, creek corridors, Mt. Diablo State Park, and the Open Space areas within the Oakhurst subdivision (dedicated to the City). Allowable uses in this designation include trails, greenbelts, playfields and parks, as well as accessory structures and uses normally auxiliary to them.

   (Amended by Resolution 43-95, dated 6/28/95)

3. **Quarry (Q)**

   Uses allowed under this designation include quarries and accessory structures and uses normally auxiliary to them.

There are no quarries located within the city limits of Clayton; however, the Lone Star quarry is located on the southwestern edge of the community. The quarry produces high quality rock and gravel and the quarry has an expected life in excess of 50 years. There are two negative impacts generated by quarry operation. First, there are occasional blasts to separate the rock and secondly, there is an average of 160 trucks per day traveling along Mitchell Canyon Road. This figure is based on information obtained from Lone Star Quarry. The quarry has taken a series of measures to mitigate its effect upon Clayton.

(Amended by Resolution 43-95, dated 6/28/95)

4. **Agriculture (AG)**

Areas to the northeast and east of the city limits include rugged terrain that is primarily used as rangeland for livestock and other similar open uses. The City supports and encourages the continuation of agriculture in these areas. Given the low intensity of agricultural activities, the minimum parcel size is 20 acres but is encouraged to be 40 acres to ensure agricultural viability.

The purpose of the Agriculture designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land-extensive agricultural uses that take place in these areas, but the land use title allows other types of agricultural, open space or non-urban uses.

(Amended by Resolution 43-95, dated 6/28/95)

ANNEXATIONS AND SPHERE OF INFLUENCE

The City of Clayton wishes to have control over those areas that demand services, that make up its urban form, that affect its livelihood and that help create an efficient unit of government services. It is therefore the policy of the City of Clayton to annex all land within its Sphere of Influence and to promote development of land in the City of Clayton. Support for the concept of City development is included in the scale of community responsiveness to needs, efficiency and consistency of standards.

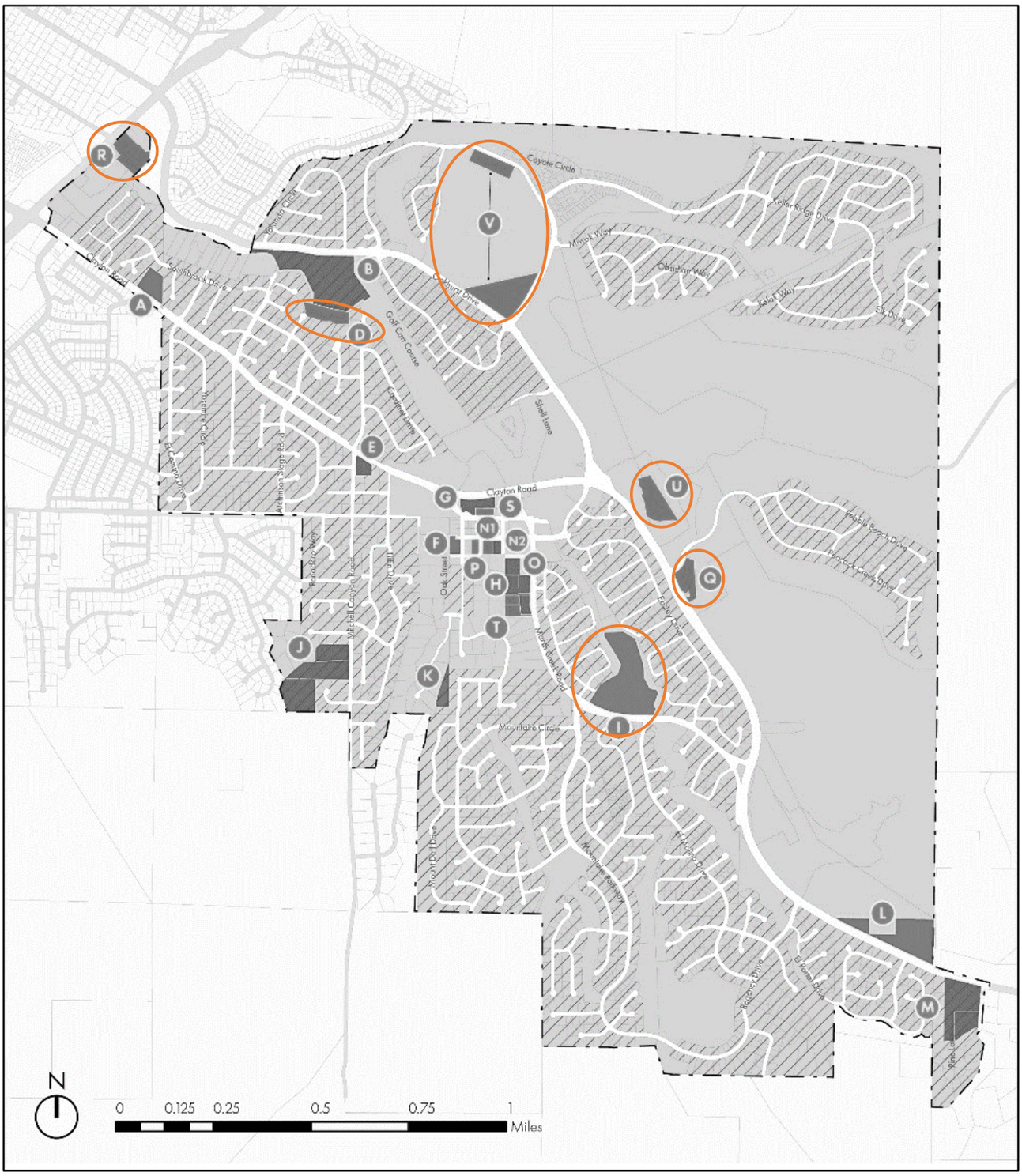
The Sphere of Influence and Planning Area boundary should be reviewed at least at 5 year increments to determine whether expansion is warranted.

(Amended by Resolution 43-95, dated 6/28/95)

If development is proposed in the un-sphered area north or east of Clayton, Clayton will request expansion of its Sphere at that time to the limits of its Planning Area.

The City of Clayton will be interested in any development along Marsh Creek Road between Clayton and Byron, due to the direct effect on traffic through the City. The effect on Clayton circulation should be considered in any County proposal.

Planning Commission Resolution No. XX-2022
Exhibit C
Summary of Proposed General Plan Land Use Diagram Amendments



Housing Element Inventory Site	Address or Reference	Assessor's Parcel No.	Current General Plan Land Use Designation	Proposed General Plan Land Use Designation
D	Diablo Creek Place Open Space	118-230-002	*Public Park/Open Space*	*Single-Family Low Density Residential*
I	6955 Marsh Creek Road (Easley Ranch)	119-080-009	*Public Park/Open Space, Single-Family Low Density Residential*	*Multifamily Low Density Residential*
Q	Clayton Road at Peacock Creek Drive (Overflow Parking Lot)	118-370-073	*Private Open Space*	*Multifamily Medium Density Residential*
R	1578 Kirker Pass Road (Clayton Valley Presbyterian)	118-031-054	*Kirker Corridor Commercial*	*Institutional Density*
U	Oakhurst Golf Course Driving Range	Portions of 118-370-017, 118-370-086, 118-370-087, 118-370-088	*Private Open Space*	*Multifamily High Density Residential*
V	1970 Eagle Peak Avenue (Seeno Hill)	Portions of 118-370-040	*Rural Estate*	*Multifamily Medium Density Residential*

Attachment 2

Final EIR

Recommendation on the 6th Cycle Housing Element Update and
Related Land Use Element Amendments
Planning Commission Meeting, December 13, 2022

City of Clayton
6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments

FINAL Environmental Impact Report
(State Clearinghouse # 2022030086)

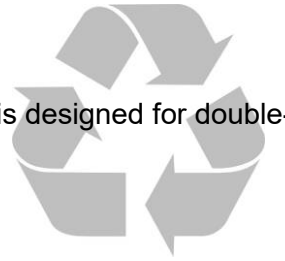
Lead Agency:

City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, California 94517

Consultant to the City:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507
www.migcom.com

FINAL EIR
November 30, 2022



- This document is designed for double-sided printing -

Table of Contents **Page**

1 Introduction 1-1
2 Response to Comments 2-1
3 Errata 3-1
4 Public Circulation.....4-1
5 Mitigation Monitoring Reporting Program.....5-1

List of Tables

Table 2-1 DEIR Comments 2-1

List of Exhibits

Exhibit 1 Regional Context Map 4-8
Exhibit 2 Planning Area Map 4-9
Exhibit 3 Existing Land Use Plan.....4-10
Exhibit 4 Proposed Land Use Changes 4-11

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1 – INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared to comply with Sections 15088 and 15089 of the State California Environmental Quality Act (CEQA) Guidelines (Guidelines). The City of Clayton (City) has prepared the Final EIR pursuant to the CEQA Guidelines, including Sections 15086 (Consultation Concerning Draft EIR) and 15088 (Evaluation of and Responses to Comments). As noted in Section 15089(b) of the Guidelines, the focus of a Final EIR should be on responses to comments on the Draft Environmental Impact Report (Draft EIR). In conformance with these guidelines, the Final EIR consists of the following volumes:

(1) The **Draft EIR** circulated for a 45-day public agency and public review and comment period commencing on August 19, 2022, and ending on October 3, 2022. A Notice of Availability was sent to government agencies, neighboring jurisdictions, and non-governmental interested parties. The City's Notification List for the Draft EIR is provided in Section 4.0 (Public Circulation) of this Final EIR.

(2) This **Final EIR document** includes a list of all commenters on the Draft EIR during the Draft EIR public review period, the responses of the City to these comments, revisions to the Draft EIR (presented in Section 3 Errata), the public circulation record, and the Mitigation Monitoring and Reporting Program (MMRP). None of the revisions to the Draft EIR represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternatives that are substantially different from those already considered in the Draft EIR.

Certification of this Final EIR by the Clayton City Council must occur prior to approval of the Housing Element Update and related land use and zoning code amendments.

Availability of EIR Materials

Materials related to the preparation of this EIR are available for public review on the City of Clayton website https://claytonca.gov/community-development/housing/housing-element/ and at the following physical location:

City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, California 94517

Project Description

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

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

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

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

Intended Use of the EIR

The planning framework proposed in the Housing Element Update would not result in the immediate construction of any new development nor entitlement of any new project. All new development within the City will continue to be subject to the City's permitting, approval, and public participation processes. Elected and appointed officials along with City Staff will review subsequent project applications for consistency with the Housing Element, applicable Specific Plans, and the Zoning Ordinance, and will prepare appropriate environmental documentation to comply with CEQA and other applicable environmental requirements.

Pursuant to Section 15168 of the State CEQA Guidelines, this EIR is a **Program EIR**. The goals, policies, land use designations, implementation programs, and other substantive components of the Housing Element and implementing sections of the Zoning Ordinance comprise the "program" evaluated in this Program EIR. Subsequent activities undertaken by the City and project proponents to implement the Housing Element will be examined considering this Program EIR to determine the appropriate level of environmental review required under CEQA. Subsequent implementation activities may include but are not limited to the following:

- Rezoning of properties to achieve consistency with the Housing Element.
- Updating and approval of Specific Plans and other development plans and planning documents.
- Approval of tentative maps, variances, conditional use permits, and other land use permits and entitlements.
- Approval of development agreements.
- Approval of facility and service master plans and financing plans.
- Approval and funding of public improvement projects.
- Approval of resource management plans.
- Issuance of permits and other approvals necessary for the implementation of the Housing Element.
- Issuance of permits and other approvals necessary for public and private development projects.
- Future amendments to the City's Housing Element and other General Plan Elements.

Plan Preparation Process and Public Participation

The City conducted an extensive public outreach process for the preparation and adoption of the Housing Element Update. The process involved consultation with community leaders, interested individuals, and the public at large during preparation of the Plan, a public workshop to discuss conceptual alternatives, an online survey, an online housing planning simulation, and public hearings. A detailed outline of the public participation process for the General Plan Update and EIR is included in Section 4.0 of this Final EIR.

Housing Element Update Objectives

The Housing Element Update serves as the guide for the City's future residential growth and development. The Housing Element contains goals, policies, and programs that will provide City

staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The Housing Element Update also includes the objectives listed below for future residential development in the community.

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

City of Clayton Discretionary Approvals

The City Council as lead agency must take the following actions with respect to the Final EIR before the Council can adopt the Housing Element Update and approve any related land use and zoning code amendments:

- Certification of the Final EIR and the Findings of Fact
- Adoption of a Statement of Overriding Considerations
- Adoption of a Mitigation Monitoring and Reporting Program

Other Government Agency Approvals

Following certification of this EIR and adoption of the Housing Element Update by the lead agency (City of Clayton), other public agencies may use this Program EIR in the approval of subsequent implementation activities, including City public works projects and private development projects. These agencies may include but are not limited to those listed below:

- Bay Area Air Quality Management District
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Housing and Community Development (HCD)
- California Department of Toxic Substances Control
- California Department of Transportation (Caltrans)
- Contra Costa County Local Agency Formation Commission (LAFCO)
- County of Contra Costa
- Contra Costa County Flood Control District
- Contra Costa Transportation Authority (CCTA)

- Central Contra Costa County Sanitary District
- Contra Costa Water District
- San Francisco Bay Regional Water Quality Control Board
- U.S. Fish and Wildlife Services

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2 – RESPONSE TO COMMENTS

The Draft EIR was circulated for 45-day public review and comment period beginning August 19, 2022 and ending on October 3, 2022. A Notice of Availability was sent to the State Clearinghouse, other government agencies, neighboring cities, and non-governmental interested parties. The City's Local Agency Notification List, showing who received notice of the Draft EIR, is provided in Section 4.0 - Public Circulation - of this FEIR. Two (2) comment letters were received, both from state government agencies. In addition, members of the public and the City of Clayton Planning Commission submitted public comments on the Draft EIR at the Planning Commission Regular Meeting held on September 13, 2022.

The correspondences listed in Table 2-1 (Draft EIR Comments) were submitted to the City of Clayton concerning the Draft EIR. A copy of each comment letter, followed by written responses to those comments, follows.

Table 2-1
Draft EIR Comments

ID	Agency/Organization/Individual	Date
State Agencies		
A	California Department of Toxic Substances Control	September 9, 2022
B	California Department of Fish and Wildlife	October 3, 2022
PC	Clayton Planning Commission Regular Meeting	September 13, 2022

COMMENT LETTER A – CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 29, 2022

Ms. Dana Ayers
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
DanaA@claytonca.gov

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF CLAYTON 6TH CYCLE HOUSING UPDATE ELEMENT UPDATE AND ASSOCIATED LAND USE ELEMENT AND ZONING CODE AMENDMENTS – DATED AUGUST 2022 (STATE CLEARINGHOUSE NUMBER: 2022030086)

Dear Ms. Ayers:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site. A-1

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. A State of California environmental regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of Assembly Bill 304 (AB304) should provide regulatory concurrence that newly developed sites are safe for construction and proposed uses. A-2

2. The EIR acknowledges the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight. A-2

3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR. A-3

4. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook. A-4

5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*. A-5

6. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the A-6

imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material*.

A-6 Cont.

7. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

A-7

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

ID	Response to Comment Letter A – Department of Toxic Substances Control
A-1	The City acknowledges DTSC's oversight role regarding activities or facilities that involve hazardous materials. However, this section does not comment on the EIR analysis, so no response is required.
A-2	First, it should be noted these comments are on the Draft EIR that was circulated for public comment, so it has already been prepared. The City's development review process, which includes CEQA compliance for new projects, includes evaluation and a determination of if or to what degree a site is safe for construction and operation of a proposed development project. Under current laws and regulations, the City would be the lead agency under CEQA, and the City or other appropriate agencies would be responsible for site characterization and, if necessary, remediation prior to development. As a result, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.
A-3	The identification of hazardous materials on a site and need for remediation of contaminants is already integrated into the development review/approval and CEQA compliance processes of the City. Part of that process is to identify, if necessary, the appropriate regulatory agency to provide oversight of any characterization and remediation of hazardous materials. For example, Phase I Environmental Site Assessments are required by the City for sites where potential contamination is known or suspected to have occurred. Similarly, Phase II characterization and/or Phase III remediation is required if contamination has been identified. Remediation must occur under the oversight of an appropriate state agency such as DTSC or RWQCB, although sometimes the oversight can occur under the Contra Costa County Department of Environmental Health where allowed under existing hazmat regulations. Therefore, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.
A-4	Significant ADL contamination typically occurs only along freeways or other high-volume roadways which are not present in the City of Clayton. Therefore, ADL is not considered a potentially significant environmental impact that requires mitigation at this programmatic level within the City of Clayton. However, the City will comply for site-specific projects as appropriate with applicable portions of Caltrans' ADL regulations including "Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils" and Health and Safety Code Section 25187(b)(5). As a result, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.
A-5	Mining activities have not historically occurred within the City of Clayton, including any of the housing sites identified in the HEU. Future development of these sites would have site-specific evaluation of the potential for historic mining activities on the respective properties. If it is determined that mining activities had actually occurred on a proposed housing site, appropriate additional evaluation of the potential for hazardous materials or waste to occur on the site would be conducted and appropriate action taken. Therefore, no changes are required to the EIR, and no additional mitigation is required.
A-6	The City's development review process, which includes CEQA compliance for new projects, will evaluate and determine if or to what degree a site is safe for construction and operation of a proposed project. For example, a site with existing facilities may require a Phase I Environmental Site Assessment (ESA) to characterize (i.e., identify) if asbestos-containing materials, lead-based paint, polychlorinated biphenyls, or other

ID	Response to Comment Letter A – Department of Toxic Substances Control
	hazardous materials (hazmat) are or may reasonably expected to be present onsite. If so, then a Phase II ESA may be required to sample and laboratory test onsite materials for the actual presence of these and other suspected hazardous materials. If the Phase II ESA characterization identifies such materials onsite, then a Phase III remediation plan may be needed to specify how identified hazmat will be safely removed from the site. Any characterization and remediation must follow established laws and regulations monitored by the appropriate regulatory agencies, such as DTSC, RWQCB, County Department of Environmental Health. For example, there are dozens of laws and regulations monitored by the U.S. Environmental Protection Agency for remediating asbestos-containing materials alone. The City will also refer preparers of ESAs to the reference cited by the commenter as appropriate. Under current laws and regulations, the City would be the lead agency under CEQA, and the City or other appropriate agencies will be responsible for site characterization and, if necessary, remediation prior to development. This information was explained in Section 4.9 of the Draft EIR as clarified here in this response. As a result, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.
A-7	The City will comply with existing laws and regulations regarding the contents and safety of any fill materials, including the reference cited by the commenter regarding hazmat standards for fill materials. As a result, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.
A-8	The City's development review process includes CEQA compliance for new projects, which will evaluate and determine if or to what degree a site may be contaminated by past agricultural or weed abatement activities. Under current laws and regulations, the City would typically require a Phase I ESA. A Phase II characterization and/or Phase III remediation may also be required if contamination is already known or is identified in the Phase I ESA. Remediation in these instances must occur under the oversight of an appropriate state agency such as DTSC or RWQCB, although sometimes the oversight can occur under the County Department of Environmental Health where allowed under existing hazmat regulations. Therefore, no changes are required to the EIR, and no additional mitigation is required for this regulatory compliance.

COMMENT LETTER B – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 3, 2022

Dana Ayers, Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
danaa@claytonca.gov

Subject: City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Amendments, Draft Environmental Impact Report, SCH No. 2022030086, City of Clayton, Contra Costa County

Dear Ms. Ayers:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for the City of Clayton (City) 6th Cycle Housing Element Update and Associate Land Use Element and Zoning Code Amendments (Project).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish and Game Code, Section 711.7, subd. (a) and I1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., Section 1802). Similarly, for purposes of the California Environmental Quality Act (CEQA), CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources. B-1

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, Section 21069; CEQA Guidelines, Section 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority (Fish and Game Code, Section 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, Section 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. B-2

Pursuant to our jurisdiction, CDFW has provided concerns, comments, and recommendations regarding the Project herein.

Conserving California's Wildlife Since 1870

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PROJECT DESCRIPTION

The City proposes to update the Housing Element, as well as the associated Land Use Element and Zoning Codes, of the City of Clayton's General Plan for the years 2023 through 2031.

The Housing Element Update establishes programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all income levels of the community; identify how the City plans to accommodate its Regional Housing Needs Allocation (RHNA) of 570 units across approximately 2460 acres through the year 2031; and identify changes to the General Plan Land Use Element needed to support the required housing capacity. The proposed Land Use changes have the potential to result in increased capacity for as many as 868 new dwelling units, an increase of approximately 20,000 square feet of commercial space, and a reduction of approximately 7,000 square feet of public facilities/institutional space. Potential increases of approximately 2,364 residents. Additionally, the City's Zoning Code is proposed to be amended in order to implement the proposed House and Land Use Elements.

B-3

The City has identified 18 preliminary housing sites to accommodate the addition of 570 or more housing units. As described in the Housing Element Update, these sites include:

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

PROJECT LOCATION

The City of Clayton is located in north-central Contra Costa County, at the base of the north slope of Mount Diablo. For the purposes of this Project, the planning area of interest includes all properties within the corporate City boundaries and the City's Sphere of Influence (SOI), as defined by the Contra Costa County Local Agency Formation Commission. This planning area is bounded to the south by Mt. Diablo State Park and to the northeast by Black Diamond Regional Preserve. The northern and western planning area boundaries are shared with the City of Concord. The planning

B-4

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area includes the entire City of Clayton (3.84 square miles of land), as well as its SOI (an additional 0.98 square miles). B-4 Cont.

REGULATORY AUTHORITY

Lake and Streambed Alteration Agreement

Please be advised that CDFW requires an LSA Notification, pursuant to Fish and Game Code, Section 1600 et seq., for any Project-related activities potentially affecting rivers, lakes, or streams, and their associated riparian habitat. LSA Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. CDFW, as a Responsible Agency, will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency. B-5

Several of the potential development sites identified in the DEIR appear to be subject to CDFW's regulatory authority under Section 1600 et seq. CDFW recommends that an LSA Notification be submitted for all activities which have potential to affect rivers, lakes, or streams, and their associated riparian habitat, and that this requirement be made a Mitigation Measure within the Final EIR (FEIR). To obtain information about the LSA notification process, please access our website at: (https://wildlife.ca.gov/Conservation/Environmental-Review/LSA).

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take[1] of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. B-6

The Project falls within areas covered by the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP or "Plan"). Participation in the Plan provides take coverage for certain CESA-listed species and is encouraged. The DEIR states that any subsequent projects undertaken due to the General or Housing Plan updates will need to receive take coverage from the ECCC

[1] Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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HCP/NCCP. However, if the Project may impact a CESA-listed species that is not covered under the Plan, then a CESA ITP may be needed for those individual species.

Please note that CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (CEQA Guidelines, Section 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the project proponent's obligation to comply with Fish and Game Code, Section 2080. B-6 Cont.

Migratory Birds and Raptors

Fish and Game Code, Section 3503, 3503.5, and 3513 places protections on birds, their eggs, and nests. CDFW has authority over actions that may disturb or destroy active nest sites or take birds. Fully protected bird species, such as the golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time (Fish and Game Code, Section 3511). B-7

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Clayton in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Cumulative Impact Analysis

The DEIR should also identify reasonably foreseeable future projects in the Project vicinity (which includes the future potential development sites), disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the project's contribution to the impact (CEQA Guidelines, Section 15355). Although a project's impacts may be less-than-significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species should be considered cumulatively considerable. B-8

COMMENT 2: Protocol-Level Surveys for Special-Status Animals and Plants

If take coverage is being obtained under the ECC HCP/NCCCP, surveys for those special-status species for which coverage is available should be conducted as part of the review process by the ECCC Habitat Conservation Agency.

For projects that do not elect to participate in the ECCC HCP/NCCP, CDFW recommends that protocol-level surveys for special-status animals and plants be conducted by a qualified biologist. Surveys should be conducted for special-status B-9

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species with potential to occur, following recommended survey protocols. Survey and monitoring protocols and guidelines for some species are available at: (https://wildlife.ca.gov/Conservation/Survey-Protocols). Where no protocols have been established, the surveys should be completed by a qualified biologist and the survey methodology should be approved by CDFW in advance of initiation of any such survey.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), should be conducted during the blooming period for all species potentially impacted by the Project within the planning area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions. Please refer the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities," which can be found online at: (https://wildlife.ca.gov/Conservation/Survey-Protocols). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If a state-listed or state Rare[2] plant is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of take authorization through an ITP issued by CDFW pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq is necessary to comply with Fish and Game Code CESA and the Native Plant Protection Act.

B-9 Cont.

COMMENT 3: Edits to Figure 4.4-1, Biological Resources Constraints Map

Figure 4.4-1, Biological Resources Constraints Map, should be revised to note that the blue areas demarcated as "NWI wetlands" are also creeks/streams. These areas are subject to CDFW regulatory authority, as set forth elsewhere in this letter.

B-10

COMMENT 4: Evaluation of Impacts to Riparian Areas and Creeks

Issue: The planning area has the potential to contain water features subject to CDFW's regulatory authority, pursuant to Fish and Game Code, Section 1600 et seq. Project implementation could potentially result in temporary and permanent impacts to these features. The DEIR's 'Environmental Setting' section does not adequately describe or address waterways that are present within the planning area, and which have potential to be impacted by Project related activities. These waterbodies include, but are not limited to Mount Diablo Creek, Peacock Creek, Donner Creek, Mitchell Creek, tributaries thereto, and other unnamed creeks/waterways. Obtaining coverage via the ECCC HCP/NCCP does not provide mitigation for impacts to waterways or fin-fish

B-11

[2] In this context, "Rare" means listed under the California Native Plant Protection Act.

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residing in those waterways. CDFW will require that these impacts be mitigated to a level of less-than-significant.

CDFW's regulatory authority over activities that may affect streams, rivers, or lakes is discussed on page 4.4-23, but the impacts to those resources arising from Project-related activities are not evaluated. Most of the potential sites identified in the DEIR, in particular sites B, D, F, G, I, J, L, M, and R, are definitively located within or adjacent to creeks and/or riparian woodlands and will require individual site-specific impact evaluation and will likely require a Notification to CDFW. Other potential sites identified in the DEIR might also be subject to the same requirements, depending on Project designs that are ultimately developed. The DEIR does not provide sufficient information for CDFW to determine if the impacts to creeks and riparian areas arising from Project-related activities would be considered significant, and if compensatory mitigation would be required. The Final EIR must disclose and evaluate potential temporary and permanent impacts to these areas. It will also need to include fully enforceable measures to minimize and mitigate potentially significant impacts and should not defer these measures to a future time, pursuant to CEQA Guidelines, Section 15126.4.

Specific impact: Project activities within wetland and riparian features have the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); and deposition of debris, waste, sediment, or other materials into water feature causing water pollution that is deleterious to fish and wildlife.

Evidence impact is potentially significant: Construction activities within these features has the potential to permanently impact wetland and riparian communities, as well as their downstream waters.

B-11 Cont.

Recommended Biological Resource Mitigation Measures:

1. *Habitat Assessment*. A qualified biologist should conduct a habitat assessment in advance of Project implementation, to determine if the planning area or its immediate vicinity supports wetland and/or riparian communities. This survey should include, but not be limited to, Mount Diablo Creek, Peacock Creek, Donner Creek, Mitchell Creek, tributaries thereto, and other unnamed creeks/waterways, and drainage channels.

2. *Wetland Delineation*. CDFW recommends a formal wetland delineation be conducted by a qualified biologist prior to Project construction to determine the location and extent of wetlands and riparian habitat present. Please note that, while there is overlap, State and Federal definitions of wetlands, as well as which activities may require Notification pursuant to Fish and Game Code Section 1602.

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3. *Project-Specific Notification of Lake and Streambed Alteration for Future Development Sites*. Fish and Game Code, Section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake: (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Each site selected for development should be evaluated on an individual basis and will notify CDFW as required by law. CDFW retains sole discretion for determining whether a proposed activity is likely to substantially adversely affect an existing fish or wildlife resource [Fish and Game Code, Section 1603(a)]. The information provided to CDFW shall include a description of all of the activities associated with the proposed Project, not just those closely associated with the streams and creeks. Information included in a complete Notification package shall include but is not limited to: an analysis and description of all temporary and permanent impacts; a description of all proposed avoidance, minimization and mitigation for the described impacts; and project-specific drainage and hydrology changes that will result from Project implementation. Minimization and avoidance measures shall include species-specific pre-construction surveys, reporting, identification and avoidance of ecologically sensitive areas, environmental awareness training, and restoration of disturbed areas.

   Written verification of CDFW's determination whether notification is required should be made a condition of approval for any Project proposed for coverage under the Final EIR.

4. *Compensatory Mitigation for Riparian Impacts*. Impacts to creeks and riparian areas will require compensatory mitigation at a minimum ratio of 1:1 (conserved habitat to impacted habitat) for temporary impacts and a minimum of 3:1 (conserved habitat to impacted habitat) for permanent impacts. This shall be calculated in acres and linear distance. Temporary impacts to stream/riparian habitat should be restored in the same year as impacted.

B-11 Cont.

COMMENT 5: Large flowered fiddleneck (*Amsinckia grandiflora*)

Issue: In Table 4.4-1 (page 4.4-11), Large flowered fiddleneck (*Amsinckia grandiflora*) is documented as "Not Expected". The historic geographic range of this species covers the entirety of the planning area.

Resolution: CDFW recommends this determination be revised to "May be Present" in the "Probability to occur within the planning area and/or Housing Inventory Sites" column of Table 4.4-1 and that the Final EIR evaluate impacts to this species accordingly.

B-12

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COMMENT 6: Loggerhead shrike (*Lanius ludovicianus*)

Issue: In Table 4.4-1, Loggerhead shrike (*Lanius ludovicianus*), a State species of special concern (SSC), is not documented or evaluated. The historic geographic range of this species covers the entirety of the planning area, and it may be present.

Resolution: CDFW recommends loggerhead shrike discussion and analysis be included in the FEIR, and that the determination be revised to indicate "May be Present" in the "Probability to occur within the planning area and/or Housing Inventory Sites" column of Table 4.4-1, and evaluate impacts to the species accordingly.

B-13

COMMENT 7: State Fully Protected Species

Issue: State fully protected species, including golden eagle and white-tailed kite, may occur within the planning area. CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Section 3511, 4700, 5050, and 5515. Take, as defined by Fish and Game Code Section 86 is to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill", of any fully protected species is prohibited and CDFW cannot authorize their incidental take except under an NCCP. Without appropriate mitigation measures, Project activities conducted within occupied territories have the potential to significantly impact these species.

Specific Impact: Without appropriate avoidance and minimization measures for fully protected species, potentially significant impacts associated with Project activities may include, but are not limited to inadvertent entrapment, reduced reproductive success, reduced health and vigor, nest abandonment, loss of nest trees, and/or loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality.

B-14

Recommended Biological Resource Mitigation: To avoid impacts to fully protected species, CDFW recommends that a qualified biologist conduct species-specific surveys (using standard protocol or methodology, if available) of the Project site before Project implementation. If Project activities will take place when fully protected species are active or are breeding, CDFW recommends that additional pre-activity surveys for active nests or individuals be conducted by a qualified biologist no more than **five (5)** days prior to the start of Project activities.

In the event a fully protected species is found within or adjacent to the Project site, CDFW recommends that a qualified biologist develops an appropriate no-disturbance buffer to be implemented. The qualified biologist should also be on-site during all Project activities to ensure that the fully protect species is not being disturbed by Project activities.

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COMMENT 8: Procedure or Checklist to Verify if Future Projects are Within Scope of EIR

CDFW recommends creating a procedure or checklist for evaluating subsequent Project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted.

CEQA Guideline 15126.4 (a)(1)(B) states: "Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure."

CDFW acknowledges that the DEIR is identified as a Program EIR. CDFW also recognizes that, pursuant to CEQA Guidelines, Section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information can be deferred if infeasible, in many instances, until such time as the Lead Agency prepares a future environmental document(s). This future environmental document(s) would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand.

B-15

However, while Program EIRs have a necessarily broad scope, CDFW recommends providing as much additional information related to anticipated future residential and non-residential development, as possible and recirculating the DEIR. The additional information may allow for further comment on the proposed Project to avoid and minimize potential impacts to species and habitat.

In addition, as subsequent projects will have site-specific impacts and require site-specific mitigation measures, CDFW still strongly recommends creating a procedure for evaluating these subsequent projects. CEQA Guidelines, Section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the Program EIR." Based on CEQA Guidelines, Section 15183.3, and associated *Appendix N Checklist*, and consistent with other Program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the FEIR. A procedure or checklist will be critical to

ensuring adequate analysis of Project effects on biological resources. Future analysis should include all special-status species and sensitive natural communities including but not limited to species considered rare, threatened, or endangered pursuant to CEQA Guidelines, Section 15380. The checklist should also outline how habitat will be analyzed per species or habitat type, how impacts will be assessed, and whether any mitigation is necessary.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the DEIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the DEIR.

B-15 Cont.

COMMENT 9: Biological Resources Significance Thresholds (Section 4.4.3)

Issue: The DEIR indicates in Significance Thresholds for Biological Resources, Section 4.4.3, item (a)/Impact BIO-1 and (b)/Impact BIO-2, that the impact will be "less-than-significant" *before* mitigation. CDFW recommends that the DEIR be revised to indicate that these impacts will be "less-than-significant with mitigation incorporated".

Mitigation is defined in Section 15370 of the California Code of Regulations (CEQA Guidelines) as: "*Compensating for the impact by replacing or providing substitute resources or environment*".

- For item (a)/Impact BIO-1, the substantial adverse effects to candidate, sensitive, or special-status species are being accounted for with participation in ECCC HCP/NCCP. However, should participation in the ECCC HCP/NCCP be infeasible for some reason, impacts to these species arising from Project-related activities would be significant. Impacts to special-status species arising from Project activities should be fully mitigated under CESA. Participation in the ECCC HCP/NCCP, or equivalent CESA take coverage via an Incidental Take Permit from CDFW, would achieve this statutory threshold, and the Significance Threshold should be "less-than-significant with mitigation".

- Item (b)/Impact BIO-2, states that substantial adverse effects to the bed, bank or channel of waterways, riparian habitat or other sensitive natural communities identified by the CDFW will be accounted for in the LSA process and the accompanying mitigation prescribed by CDFW. Without this, the impacts to these areas would be significant. Therefore, the Significance Threshold should be "less-than-significant with mitigation".

B-16

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Resolution: The DEIR should be revised to indicate the Significance Threshold determinations for items (a) and (b) will be "less-than-significant with mitigation incorporated". Additionally, the following Mitigation Measures shall be included in the Final EIR.

Recommended Biological Resource Mitigation Measures:

1. Full Mitigation for Impacts to Special-Status Species. Prior to initiation of Project activities, all sites selected for development will be evaluated on an individual, project-by-project basis and will submit all required information and a Planning Survey Report (PSR) to the ECCC Habitat Conservation Agency for review and acceptance. All survey protocols, avoidance and minimization measures, and construction monitoring as specified in the PSR shall be implemented and adhered to by the Project proponent and representatives of the Project proponent including all on-site personnel, employees, and contractors. If participation in the ECCC HCP/NCCP is either not possible or does not address the mitigation requirement, then each Project shall seek individual take coverage by applying to CDFW for an Incidental Take Permit.

2. Please see the suggested Mitigation Measure "Individual Notification of Lake and Streambed Alteration for Future Development Sites" above.

B-16 Cont.

COMMENT 10: Nesting Bird Protections

Issue: The City is responsible for ensuring that the project does not result in any violation of relevant Fish and Game Codes (such as Sections 3503 or 3503.5). The DEIR has no evaluation of potential impacts to nesting or migratory birds.

Specific impacts: Tree and vegetation removal or modification have the potential to impact nesting birds. In addition to direct impacts, nesting birds might be indirectly affected by noise, vibration, odors and movement of workers or equipment.

Evidence impact is potentially significant: Construction activities resultant from the housing re-zoning decisions have the potential to directly and indirectly impact nesting or migratory birds.

B-17

Recommended Biological Resource Mitigation Measures: CDFW recommends including the following Mitigation Measures, if project activities might occur during nesting bird season:

1. *Nesting Birds*. If Project activities will occur during nesting bird season (February 15 to September 15 for raptors; March 15 to August 30 for non-raptors), the Qualified Biologist shall conduct a focused survey for active nests within **5 days** prior to the initiation of project-related activities. Surveys shall be conducted in all suitable habitat located at project work sites and in staging and storage areas.

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The minimum survey radii surrounding the work area shall be the following: (1) **250 feet** for non-raptors; (2) **1,000 feet** for raptors.

2. *Active Nest Protections*. If active nests are found, the Qualified Biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings. Once work commences, all active nests shall be regularly monitored by the Qualified Biologist for a minimum of **two (2)** consecutive days to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. If signs of disturbance and behavioral changes are observed, work shall halt, and the Qualified Biologist shall either halt work until the nest is no longer active and increase protective buffer zones (see Mitigation Measure 3 below).

3. *Active Nest Buffers*. Active nest sites and protective buffer zones shall be designated as Ecologically Sensitive Areas (ESAs), where no project-related activities may occur and no personnel may enter. These ESAs shall be maintained (while occupied, or longer for multi-clutch and annually returning species such as raptors) during project activities with the establishment of a fence barrier or flagging surrounding the nest site. Buffers shall remain in place throughout project activities or until the nest becomes inactive, whichever comes first.

4. *Bird Protections During Vegetation Removal*. To the maximum extent possible, vegetation within the stream or creeks shall not be removed between **February 15 to September 15** to avoid impacts to nesting birds. If any vegetation removal must occur during this time, vegetation will only be removed if the following requirement is met:

5. Within the 3 days prior to vegetation modification or removal activities, the Qualified Biologist will conduct a focused survey for nesting birds in the vegetation slated to be removed or modified and either determines no nesting birds are present or if present then the Qualified Biologist shall determine and demarcate an active nest buffer.

B-17 Cont.

COMMENT 11: Changes to Table 2-1 Resultant from CDFW Comment

Please reflect all changes in determinations and mitigation measures resultant from CDFW's comments above, in Table 2-1, Summary of Potentially Significant Impacts and Recommended Mitigation Measures.

B-18

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, Section 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. B-19

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & Game Code, Section 711.4; Pub. Resources Code, Section 21089). B-20

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Clayton in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Sabrina Dunn, Environmental Scientist, at (707) 428-2069 or Sabrina.Dunn@wildlife.ca.gov; or Michelle Battaglia, Senior Environmental Scientist (Supervisory), at (707) 339-6052 or Michelle.Battaglia@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ID	Response to Comment Letter B – California Department of Fish and Wildlife
B-1	It is agreed that the CDFW is California's Trustee Agency for fish and wildlife resources and has jurisdiction in the process of this environmental review. This comment has been recorded for the record. No changes are required in response to this comment.
B-2	It is agreed that the CDFW is a Responsible Agency for this environmental review. This comment has been recorded for the record. No changes are required in response to this comment.
B-3	The project description is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-4	The project location is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-5	The regulatory authority over the Lake and Streambed Alteration Agreement permitting process of the CDFW is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-6	The regulatory authority over the California Endangered Species Act and Native Plant Protection Act permitting processes of the CDFW is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-7	Fish and Game Code protections on Migratory Birds and Raptors are adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-8	The cumulative impact analysis can be found starting on the last paragraph on page 4.4-31 of the Draft EIR. The project does not have expected significant impacts in combination within any known project(s), as it is not expected to result in a net reduction in habitat for rare or special-status species, or any other new CEQA impacts, based on conforming with the requirements of ECCC HCP/NCCP. The 18 proposed sites have been at least partially previously developed (A, B, E, F, G, H, I, J, K, M, N, O, Q, R, S), are disturbed by fire maintenance mowing/disking (D, L), or are entirely developed (P) and are generally within an urban corridor, and the proposed housing developments would not be expected to significantly impact biological resources when implementing the requirements of the ECCC HCP/NCCP. No changes have been made based on this comment.
B-9	The City of Clayton complies with the ECCC HCP/NCCP for projects pursuant to Ordinance No. 412 and Chapter 16.55 to the Clayton Municipal Code. Individual project sites will be evaluated for compliance with the ECCC HCP/NCCP pursuant to the Clayton Municipal Code. The applicant(s) themselves may not opt out of ECCC HCP/NCCP compliance without review by the City of Clayton. Any exemptions are reviewed in per 16.55.030 for the Clayton Municipal Code and Chapter 9.3.1 of the ECCC, which generally only exclude development fees for already developed urban cover. Surveys for special-status wildlife and plants are already required pursuant to the ECCC HCP/NCCP for any sites that may have potential impacts to rare or special-status species.

ID	Response to Comment Letter B – California Department of Fish and Wildlife
	A table has been added (under response to Comment B-15) to clarify which sites will likely require ECCC HCP/NCCP applications pursuant to 16.55.030 of the ECCC HCP/NCCP. Only one site (Site P), which consists of a paved parking lot in an urban setting, might be excluded from the requirements of the ECCC HCP/NCCP based on the City of Clayton Municipal Code, as no sensitive species or habitats are expected to occur in such a developed area. No new mitigation measures have been added in response to this comment.
B-10	The Biological Resources Constraints Map is updated to change the "NWI wetlands" to "NWI Wetlands, including Creeks/Streams." Please see Section 3.0, Errata for the updated map. Additionally, text has been added to the Errata section to indicate that the state also has jurisdiction over these areas and adjacent riparian vegetation. No additional mitigation measures have been added in response to this comment.
B-11	Less than significant impacts are expected for state and federal jurisdictional waters areas under the Clayton HEU with implementation of the Conservation Measures included in the ECCC HCP/NCCP. Although less than significant impacts are expected, additional descriptions of waterways present within the Planning Area are outlined in the Errata (Section 3.0) to provide an improved description of the Environmental Setting at the CDFW's request. As a provision of the ECCC HCP/NCCP, development setbacks from federal and state jurisdictional waters are required: please see table provided for comment B-15 for a review of sites that likely will require setbacks and be subject to ECCC HCP/NCCP requirements and review procedures. The ECCC HCP/NCCP includes a set of conservation requirements (see Table 9-5 of the ECCC HCP/NCCP) to address offsets for potential project-level impacts that requires evaluating temporary and permanent impacts that may serve as the basis for jurisdictional permitting, if required. No significant impacts are expected to occur to fin-fish or any special-status fish species outlined in Table 4.4-1 of the Draft EIR. As the drainages that that cross the proposed sites are intermittent or seasonally inundated, fin-fish can be completely avoided by the project(s). Pursuant to Conservation Measure 2.12 *Wetland, Pond, and Stream Avoidance and Minimization* of the ECCC HCP/NCCP, impacts to streams (habitat for fin-fish) are to be avoided. Conservation Measure 1.10, Maintain Hydrologic Conditions and Minimize Erosion, which is intended to protect sensitive fish populations, will also serve to avoid significant impacts to fin-fish. A jurisdictional delineation is required for sites B, D, F, G, I, J, L, M, and R, in accordance with the requirements of the ECCC HCP/NCCP, and due to the potential presence of waterways or wetlands under multiple existing regulations (e.g., Fish and Game Code, Clean Water Act). However, site-specific jurisdictional delineations are not required at this time and are impractical as, at this program level of review, development footprints, timing and other project level characteristics cannot be known until an actual development proposal is submitted to the City. Jurisdictional delineations typically expire within five years, as formalized in U.S. Army Corps of Engineers' Guidance Letter No. 05-02 (2005), because conditions may change locally and will not remain the same for an infinite amount of time, due to both man-made (such as impoundments up- or downstream) and natural causes (flooding, erosion, etc.). Specifically for the same reason, potential impacts such as "substantial diversion or obstruction of natural flows; substantial change or use of material from

ID	Response to Comment Letter B – California Department of Fish and Wildlife
	the bed, bank, or channel (including removal of riparian vegetation); and deposition of debris, waste, sediment, or other materials into water feature causing water pollution that is deleterious to fish and wildlife" are not evaluated in this program-level planning document at this time, as no site plans are yet available. All the mitigation measures (1 to 4) recommended in this comment are covered by the following conservation measures of the ECCC HCP/NCCP, respectively. 1. Habitat Assessment – See Chapter 6.3.1, *Planning Surveys* of the ECCC HCP/NCCP, which requires a site assessment by a biologist to evaluate if jurisdictional waters may be present on site. 2. Wetland Delineation – See Chapter 6.3.1 *Planning Surveys*, under the heading *Jurisdictional Wetlands and Waters* of the ECCC HCP/NCCP, which requires a jurisdictional delineation to be performed as part of the application process. 3. Project-Specific Notification of Lake and Streambed Alteration for Future Development Sites – Conservation Measure 2.12. *Wetland, Pond, and Stream, Avoidance and Minimization* requires jurisdictional permitting as part of ECCC HCP/NCCP compliance. Each of the 18 sites will be evaluated for compliance with the ECCC HCP/NCCP at a project-level. It is anticipated that most projects will avoid impacts to waterways by implementing the setbacks described in Conservation Measure 1.7 in Chapter 6 of the ECCC HCP/NCCP. The measures required in the ECCC HCP/NCCP are intended to serve as a basis for Lake and Streambed Alteration Agreements and other water permitting (e.g., Clean Water Act), if required, and are reviewed as part of the ECCC HCP/NCCP application process. Compensatory Mitigation for Riparian Impacts – See Chapter 5.2.3 *Mitigation for Jurisdictional Wetlands and Waters*, Conservation Measure 2.12, and Chapter 9.3.1 *Mitigation Fees* of the ECCC HCP/NCCP, which provide general guidance on compensatory mitigation. No new mitigation is added in response to this comment.
B-12	The known range of large-flowered fiddleneck (*Amsinckia grandiflora*) does not historically overlap the Planning Area based on publicly available datasets of documented occurrences (e.g., Consortium of California Herbaria [https://ucjeps.berkeley.edu/consortium/] and BIOS [https://wildlife.ca.gov/Data/BIOS]), and no collection or documentation of this species is known to have ever been made within the limits of the Planning Area. The large-flowered fiddleneck is only known from a few occurrences in the Diablo Ranges that are all outside of the Planning Area, with the closest occurrences being over 2.3 miles away on the unique substrates of the Black Diamond Mines. It is understood that the U.S. Fish and Wildlife Service's (USFWS) IPaC/ECOS range map shows that the range incorrectly overlaps with the Planning Area; however, this range map is based on models and/or presumptions rather than actual data. Of note, USFWS IPAC/ECOS range maps often encapsulate areas of unsuitable habitats to illustrate a range as a polygon rather than specific occurrences, and sometimes the range maps do not accurately reflect the true range of a given species.
B-13	We agree that the loggerhead shrike (*Lanius ludovicianus*) may be present within the Planning Area, but since the species did not come up on the CNDDB search, it was inadvertently left out of the table. As seen in eBird, loggerhead shrike has many occurrences and a large distribution within and around the Planning Area. The

ID	Response to Comment Letter B – California Department of Fish and Wildlife
	number of species with potential to occur has been updated; evaluation of loggerhead shrike as "May be Present" can be found in the Errata (Section 3.0). Each individual project site that could support sensitive species would be required to prepare a Biological Resources Study to evaluate project-specific impacts pursuant to requirements of the ECCC HCP/NCCP. With the required incorporation of the Conservation Measures required for the ECCC HCP/NCCP, including pre-project surveys, less than significant impacts are anticipated to loggerhead shrike.
B-14	See comment B-9. Each individual project site that could support rare or special-status species would be required to prepare a Biological Resources Study to evaluate project-specific impacts pursuant to requirements of the ECCC HCP/NCCP. It is not anticipated that the sites selected in the Clayton 6th Cycle Housing Element Update would significantly impact any State Fully Protected Species with incorporation of the Conservation Measures developed for the ECCC HCP/NCCP, including pre-project surveys. No additional mitigation measures beyond the actions required by the ECCC HCP/NCCP are required to comply with the California Fish and Game Code.
B-15	Table B-15 has been included below to summarize the requirements of the ECCC HCP/NCCP. Because the ECCC HCP/NCCP review will occur before the approval of separate site developments under the Clayton HEU rather than at the time of this Program EIR, the individual required Conservation Measures per site are not considered final at this time. Note that Table B-15 does not provide any new information not presented in the Draft EIR but provides a summary of requirements.

Table B-15. Proposed Sites and Requirements of the East Contra Costa HCP/NCCP.
Note: This table does not provide any new information not presented in the Draft EIR but provides a summary of requirements.

Site	Potentially Regulated Species or Habitat (Potential or Less Likely*)	Wetlands, Streams, or Riparian Vegetation Present	Requirements of the East Contra Costa HCP/NCCP		
			Submittal and Approval of HCP/NCCP application, including implementing planning biological surveys for covered activities and fee payment	Compliance with Specific Conditions on Covered Activities described in Chapter 6.4 of the ECCC HCP/NCCP	Jurisdictional Delineation and Establishment of Stream Setbacks (see CM 1.7 in Chapter 6 of the ECCC HCP/NCCP)
A	Less Likely	No	Yes	Yes	No
B	Potential	Yes	Yes	Yes	Yes
D	Potential	Yes	Yes	Yes	Yes
E	Less Likely	No	Yes	Yes	No
F	Potential	Yes	Yes	Yes	Yes
G	Potential	Yes	Yes	Yes	Yes
H	Potential	No	Yes	Yes	No
I	Potential	Yes	Yes	Yes	Yes
J	Potential	Yes	Yes	Yes	Yes
K	Less Likely	No	Yes	Yes	No
L	Potential	Yes	Yes	Yes	Yes
M	Potential	Yes	Yes	Yes	Yes
N	Potential	No	Yes	Yes	No
O	Potential	No	Yes	Yes	No
P	Less Likely	No	Unlikely**	No	No
Q	Less Likely	No	Yes	Yes	No
R	Potential	Yes	Yes	Yes	Yes
S	Potential	No	Yes	Yes	No

*Sites located in urban and well-developed areas that are significantly less likely to support most of these species include Sites A, E, H, K, N, O, P, S; however, field surveys are required to confirm for compliance with the ECCC HCP/NCCP.
** This site has potential to be excluded from requirements of the ECCC HCP/NCCP based on 16.55.030 Applicability, as it is located within an urban area and is a developed parcel that would not be expected to contain native vegetation or suitable habitat for sensitive species.

B-16	Complying with the Conservation Measures of the ECCC HCP/NCCP does not constitute additional mitigation measures pursuant to CEQA, but rather is compliance with existing laws and plans. Both Significance Thresholds for Impact BIO-1 and Impact BIO-2, and corresponding mitigation measures recommended by CDFW, are already covered by conservation measure requirements of the ECCC HCP/NCCP. Please also see response to comment B-11.
B-17	In the ECCC HCP/NCCP, measures are already incorporated to avoid impacts to nesting birds, and no take of migratory birds is requested as part of this program level EIR. Projects are already required to be seasonally timed, to avoid impacts to Covered migratory birds (see the last paragraph of page 6-25 that continues to 6-26), and seasonal timing will also assist with avoidance of non-covered migratory birds. Additionally, the BMPs provided in Conservation Measures 1.12 and 1.14 incorporate avoidance guidelines for compliance with the Migratory Bird Treaty Act and conform to those typically used for compliance with the California Fish and Game Code. The required Planning Surveys (see Chapter 6 of the ECCC HCP/NCCP), will be used to establish if suitable habitat is present for migratory birds, including nesting sites, and project designs must avoid take. No additional mitigation measures are required to comply with the existing California Fish and Game Code or Migratory Bird Treaty Act. No changes have been made in response to this comment.
B-18	No changes have been made to Table 2-1, as no new mitigation measures have been applied pursuant to the comments provided by CDFW.
B-19	The requirement for submitting environmental data is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.
B-20	The requirement for Filing Fees is adequately summarized in the CDFW's comment letter. This comment has been recorded for the record. No changes are required in response to this comment.

COMMENT LETTER PC – CLAYTON PLANNING COMMISSION REGULAR MEETING

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, September 13, 2022

1. CALL TO ORDER

Vice Chair Miller called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Richard Enea led the Pledge of Allegiance.

3. ROLL CALL

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

Planning Commission Secretary/Community Development Director Dana Ayers and Assistant Planner Milan Sikela were present from City staff.

4. ELECTION OF CHAIR AND VICE CHAIR

Vice Chair Miller stated that, to avoid any discontinuity to the Planning Commission should he be elected to the City Council, he did not wish to be elected as Planning Commission Chair. He was happy to serve with the Commission as a member. He then invited a motion for election of the Planning Commission Chair for the current fiscal year.

Commissioner Enea moved to elect Commissioner Richardson as Chair of the Planning Commission. Commissioner Shulman seconded the motion. The motion passed by vote of 5 to 0.

Vice Chair Miller invited a motion for election of the Planning Commission Vice Chair for the current fiscal year.

Commissioner Shulman moved to elect Commissioner Enea as Vice Chair of the Planning Commission. Chair Richardson seconded the motion. The motion passed by vote of 5 to 0.

Chair Richardson took over as Chair of the meeting at this time. He thanked Commissioner Miller for his service as Vice Chair during the prior year. He acknowledged the new beginning of the Commission with its three new members

and two continuing members, and he looked forward to the opportunity to work with the Commission for the benefit of the community. Vice Chair Enea expressed gratitude for his election as Vice Chair and looked forward to being back on the Commission.

5. PRESENTATIONS

Director Ayers advised that there were no presentations on the evening's agenda. However, because this was only the second meeting with a hybrid in-person and virtual format, she requested an opportunity to review meeting protocol. She reminded all in-person meeting attendees to silence their cell phones and explained the means for virtual attendees to indicate a request to speak on an agendized item. She further explained that communications between a member of the public and an individual Commissioner during the meeting was prohibited outside of the public meeting setting, and relatedly, that the "chat" feature in the virtual meeting platform was turned off.

6. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

7. PUBLIC COMMENT

There were no public comments.

8. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of June 28, 2022.

Director Ayers confirmed Commissioner Miller's statement that under Robert's Rules of Order, a Commissioner who had not attended a Planning Commission meeting could vote on that meeting's minutes; provided, that the Commissioner had reviewed the draft minutes. There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Richardson invited a motion on the item.

Commissioner Miller moved to adopt the Consent Calendar with Meeting Minutes of the June 28, 2022, meeting, as submitted. Commissioner Cesarin seconded the motion. The motion passed by vote of 5 to 0.

9. COMMENT SESSION

A. Comment Session on the Draft Environmental Impact Report Prepared for the City of Clayton 6th Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments.
This is a comment session for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies on the Draft

Environmental Impact Report (EIR) prepared for the City of Clayton 6th Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments ("Project").

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

Director Ayers presented the item and shared a slide deck summarizing Housing Element law, CEQA and the content of the Draft EIR prepared for the Project.

Chair Richardson invited Commissioners to ask questions of staff. No Commissioners had questions at this time. Chair Richardson explained that comments on the Draft EIR would be invited from members of the public first, followed by members of the Commission. He re-emphasized that written comments on the Draft EIR could continue to be submitted to City staff through October 3.

Vince Moita requested to speak. He stated that he was a land use attorney who lived in subsection A of the Marsh Creek Road Specific Plan (MCRSP) area between 1993 and 2006. He explained that few, if any, of the planned 290 housing units were actually built in the MCRSP area when he was growing up there. Given recent housing mandates from State and Association of Bay Area Governments (ABAG), as well as current severe lack of housing experienced by citizens, he suggested that it would be prudent to re-evaluate the current Countywide Urban Limit Line (ULL) at the northeastern municipal boundary of Clayton. Noting that the ULL and the MCRSP were adopted within months of each other, but that the ULL bifurcated a swath of area within the MCRSP area, he suggested that the City consider supporting a request to the Contra Costa County Board of Supervisors to review amendment to the ULL to match the MCRSP planning area boundary. He suggested that the inconsistency between the ULL, the

PC-1

MCRSP planning area, and the City's Sphere of Influence (SOI) put the area outside the ULL off limits to the City to achieve its maximum buildout, and it robbed Clayton of opportunity for sustainable growth. He suggested that the land in the MCRSP area could be re-evaluated and its land use designations amended to increase densities to address the full 6th cycle regional housing needs allocation of 570 units with medium- and low-density residential growth that would be similar to existing neighborhoods on Eagle Peak Avenue or in Peacock Creek and that would preserve the character of Clayton. He suggested that "shutting the door" to this opportunity would cause the City to lose its development discretion and would force it to adopt projects like those that would be mandated pursuant to Senate Bill 35 to meet its housing needs. He explained that the City's General Plan envisions annexation of the SOI and suggested that the Draft EIR include an alternative scenario that includes adoption of the existing SOI. He stated that annexations of lands in the SOI that did not strain City resources would be consistent with current planning documents, and he specifically cited General Plan Land Use Element Objective 3 and Policy 3a. He concluded by requesting that the Draft EIR evaluate annexation of all lands within the MCRSP planning area to facilitate development of the MCRSP lands within the municipal boundary should the ULL be amended in 2026. He thanked the Commission and wished them the best Commission going forward.

PC-1 Cont.

There being no other member of the public attending in person or virtually who wished to speak on this item, Chair Richardson invited comments from Commissioners.

Vice Chair Enea requested that staff clarify the location of the SOI in the area that the Mr. Moita had referenced. Vice Chair Enea confirmed with Director Ayers and Assistant Planner Milan Sikela that the lands were unincorporated; outside the Clayton municipal boundary and therefore, subject to County land use designations and zoning; and that the lands were zoned by the County as Agricultural.

Commissioner Miller suggested that there be more explanation of the intent of the SOI.

Director Ayers screen shared the image of the City's General Plan land use map and identified the ULL, the SOI line and areas that were within the MCRSP planning area. She explained that the lands to which Mr. Moita spoke were north of Marsh Creek Road in the planning area. In response to Commissioner Miller, Director Ayers advised that the SOI line encompassed those lands that the City anticipated annexing. She explained that some lands inside the SOI were outside of the ULL. While any annexation of lands outside the municipal boundary would be subject to approval by the Contra Costa Local Agency Formation Commission (LAFCO), requests to annex lands outside the ULL would also be subject

to approval by the County Board of Supervisors. She explained that parts of the area that Mr. Moita referenced were pre-zoned as low-density residential in the MCRSP, and that those pre-zoning classifications would become effective upon approval of the lands being annexed into the City.

In response to Chair Richardson, Director Ayers spoke to the recent entitlement of the Oak Creek Canyon Development, a residential project of six single-family residences that was within the MCRSP planning area and within the municipal boundary near the City's eastern edge. She advised that the City Council approved that project in July 2021.

Commissioner Miller asked about the procedural requirements for changing the ULL and how the timelines for that process related to the deadlines for the Housing Element. He confirmed with staff that the process for annexations or amendments to the ULL would involve agencies outside of the City's control, and expressed concern about extended timelines in those instances.

Commissioner Shulman referenced page 2-24 of the Executive Summary, where population projections from the Contra Costa Water District Urban Water Master Plan (CCWD UWMP) were mentioned along with the HEU population projections. She noted that the CCWD UWMP projected 530 new residents, which was significantly fewer residents than the HEU's projection of 2,364 new residents. She requested clarification on the source of the data that informed the CCWD UWMP and why the difference was so large. She expressed concern about water demands of increased housing given increased frequency of droughts in the region. PC-2

Commissioner Miller spoke to the Greenhouse Gas (GHG) and Utilities and Service Systems sections of the Draft EIR. He confirmed with staff that, based on the analysis in the Draft EIR, GHG impacts would not be fully mitigated, even with adoption of mitigation measures. He noted that all but one of the six recommended mitigation measures push toward electrification of vehicles and appliances and away from natural gas installations in new construction. He expressed concern that that particular mitigation could introduce an additional problem in the form of utilities and increased draw electrical power sources. He questioned whether the community would be underserved by electrical infrastructure with implementation of the measure. He felt that the GHG mitigation measures prohibiting natural gas seemed aggressive. By contrast, he liked the mitigation measure that encouraged energy efficiency measures, such as roof-mounted solar, that exceeded state Standards, though he noted that that measure was not mandatory and might not even be implemented for certain projects, such as those that would be exempt from CEQA. PC-3

Commissioner Cesarin said he appreciated the forward thinking of the mitigation measure eliminating the need for natural gas. He believed there PC-4

would be more limitations on that and more need for individuals to cut back on natural gas use in the future. He suggested the Draft EIR couple the mitigation measures with new technologies and new energy initiatives for power generation that would make up for the increased demand for electricity. Speaking to recommended mitigation measure MM GHG-2 regarding adoption of a zero net energy (ZNE) ordinance, he suggested removing the word "consider," to make more of a commitment to adopting a ZNE ordinance. He confirmed with Director Ayers that the analysis needed to develop and adopt a ZNE ordinance was lengthy, and he understood the analysis of the decision of whether to pursue ZNE ordinance would include a report of feasibility and cost-efficiency. He encouraged development of an alternative report that evaluated the viability and cost-effectiveness of *not* adopting and implementing a ZNE ordinance.

PC-4 Cont.

Speaking to the Alternatives in the Draft EIR, Commissioner Cesarin asked how Alternative 2 was developed for the Draft EIR. Director Ayers advised that Alternative 2 was "status quo" for the sites in the Town Center and housing inventory Site M. In that scenario, existing zoning designations and allowable densities would not change from what was already adopted for those sites. She advised that both Alternative 2 and Alternative 3, the latter of which added sites to the housing inventory based on property owner request, were developed based on public comments received in response to the Housing Element and Balancing Act surveys and input received during the community comment period on the Public Review Draft Housing Element in May and June 2022. Director Ayers advised that Site P and Site S were not new additions to the inventory of sites in the draft Housing Element Update, though Sites U and V in Alternative 3 were.

PC-5

There being no other member of the public attending in person or virtually who wished to speak, Chair Richardson closed public comment on the item.

10. PUBLIC HEARINGS

There were no public hearings.

11. COMMUNICATIONS

There were no Communications.

12. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to the next regular meeting of the Planning Commission on September 27, 2022.

[Remainder of this page left blank. Signatures on the following page.]

Respectfully submitted:

_____
Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

_____
Daniel Richardson, Chair

ID	Response to Planning Commission Regular Meeting Comments
PC-1	This comment does not address the adequacy of the environmental impact analysis contained in the Draft EIR. This comment has been recorded for the record. No changes to the Draft EIR are required in response to this comment.
PC-2	The commenter asks why the HEU and UWMP population projects are so different. The reason for the difference is that the two estimates of future population growth were prepared for different purposes. The UWMP is based on the California Department of Finance (DOF) E-5 projected Population Estimates for Cities and Counties and growth rates provided in the Association of Bay Area Governments (ABAG) Projections 2040 book (CCWD UWMP p. 1-4). The housing and population projections shown in the HEU are also based, in part, on regional projections from ABAG as outlined in their Plan Bay Area 2050, which is updated every 5 years (last updated in 2020). However, every 7-8 years, the State's Regional Housing Needs Allocation (RHNA) process, through ABAG and other Councils of Government (COG) throughout the State, assigns each city and county in California their regional share of new housing units to be built. These housing units are intended to accommodate both existing need and projected growth in each region. Unlike the DOF or UWMP estimates, the HEU RHNA for the City is not a projection or forecast: it is a goal to attain for the City to accommodate its RHNA. These goals are based on directives from the Governor, the Legislature, and the State. Department of Housing and Community Development (HCD) intended to help meet the State's large housing deficit by encouraging more housing to be built at the local level. Mitigation Measure MM UTL-1 (see below) helps assure there will be direct, timely connectivity between the provision of new housing and the availability of water in the future. With implementation of this measure, the EIR concluded development under the HEU would be less than significant. **MM UTL-1 Water Demand Management.** Prior to receiving entitlements for new residential development under the Housing Element Update, new projects must contact the CCWD and obtain confirmation that adequate water service can be provided and adequate water supplies are available consistent with their latest Urban Water Management Plan.
PC-3	The commissioner's concern that the Draft EIR GHG mitigation measures could be problematic for utilities and electric infrastructure is consistent with information in State planning documents related to GHG emissions reductions. It is generally accepted that the State's electric grid will need to undergo transitions to address, support, and achieve the State's long-term GHG emissions reduction goals. For example, the California Air Resources Board's (CARB) Draft Scoping Plan (pp. 156 to 163) identifies that vehicle and building electrification plans will result in unprecedented electric system load growth and emphasizes the need for a clean electric grid that supports decarbonization of California's economy. Staff notes that the 2022 Energy Code, which will take effect on January 1, 2023, will support building electrification and associated utility improvements in Clayton, Contra Costa County, and the State. For example, the 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, and expands solar photovoltaic and battery storage standards for certain new residential developments. Staff also notes that the Draft EIR provides flexibility regarding energy resources. Mitigation Measure GHG-1 (Prohibit Natural Gas

ID	Response to Planning Commission Regular Meeting Comments
	Plumbing and Appliances in New Housing Sites) is consistent with the latest guidance and recommendations from the Bay Area Air Quality Management District but provides specific exceptions where a prohibition on natural gas infrastructure may not be warranted or possible. In addition, the natural gas prohibition identified in Mitigation Measure GHG-1 could be replaced by the City with a Zero Net Energy Ordinance (per Mitigation Measure GHG-2) that provides energy flexibility specific to Clayton. For these reasons, the Draft EIR GHG mitigation measures would not result in unanticipated or unexpected planning or logistical issues surrounding utility infrastructure.
PC-4	Draft EIR Mitigation Measure GHG-1 (Prohibits Natural Gas Plumbing and Appliances in New Housing Sites) is consistent with the BAAQMD's April 2022 CEQA thresholds for evaluating climate change impacts of land use projects and plans. Mitigation Measure GHG-2 (Consider Adoption of a Zero Net Energy Ordinance) provides flexibility for the City to develop alternative means to enhance energy efficiency, reduce GHG emissions, and retain natural gas usage in buildings. At this time, the City is uncertain if such an approach is feasible and appropriate for the City given that future specific development characteristics in the City, and more specifically in the HEU housing sites, are unknown. Staff will seek clear direction from the City Council on whether to study the development of ZNE ordinance, and any potential ramifications of not adopting a ZNE ordinance.
PC-5	This comment does not address the Draft EIR analysis. City staff provided information about how Alternative 2 was formulated during the Planning Commission meeting. This comment has been recorded for the record. No changes to the Draft EIR are required in response to this comment.

3 – ERRATA

This section identifies revisions to the City of Clayton Housing Element Update Draft EIR to incorporate clarifications, corrections, or additions prepared in response to comments received on the Draft EIR. These changes include minor errors or editorial corrections identified through subsequent review. Additions are shown in underline. Deletions are shown in ~~strikethrough~~. Commentary notes are shown in *Italic type* where needed.

None of the revisions below represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in the Draft EIR.

Draft EIR Chapter 4.4, Biological Resources

Draft EIR Section 4.4.1, Environmental Setting, Special-Status Species

(Page 4.4-2, 2nd paragraph, first sentence): Based on a review of databases and a desktop habitat assessment, approximately ~~33~~ 34 special status species were determined to "May be Present" within the Planning Area, with potential to occur on at least some of the Sites (see Table 4.4-1).

Draft EIR Section 4.4.1, Environmental Setting, Jurisdictional Wetlands

(Page 4.4-2, 3rd paragraph): Multiple wetlands are mapped within the Planning Area by the USFWS National Wetlands Inventory (NWI). Although a field delineation would be needed to confirm this, it is highly likely that wetlands, including Creeks/Streams, under federal and state jurisdiction are present on some of the Sites, including Sites B, D, F, G, I, J, L, M, and R. The United States Army Corps of Engineers uses the 1987 *Corps of Engineers Wetlands Delineation Manual* and regional supplements to define wetlands under Section 404 of the federal Clean Water Act using three criteria: hydrophytic (water-loving) vegetation, hydric soils, and hydrology. An area that meets all three criteria is considered a wetland under federal and State jurisdiction. Additionally, riparian vegetation adjacent to wetlands and streams is also under State jurisdiction.

Draft EIR Section 4.4.1, Environmental Setting, Jurisdictional Wetlands

(Page 4.4-2, new text, immediately follows 3rd paragraph):

Descriptions of Waterways
While planned for avoidance with setbacks per terms of the ECCC HCP/NCCP, sites B, D, F, G, I, J, L, M, and R have documented waterways present. Creeks within the Planning Area include Mount Diablo Creek (potentially crosses Sites B, D, I, M, and R), Peacock Creek, Donner Creek (potentially crosses Site I), Mitchell Canyon Creek (potentially crosses F and G), Back Creek, and unnamed creeks waterways (some potentially cross Sites J and L). All creeks within the Planning Area are freshwater systems that are intermittent to ephemeral, being especially dry in the summers. The Suisun Bay Watershed (Hydrological Unit Code 18050001) encapsulates the waters within the Planning Area, with all the waters having connectivity to the Suisun Bay. The unnamed creeks within the City of Clayton may have historical connectivity with one or more of the tributaries within the watershed. Peacock Creek is a tributary of Kirker Creek which stems

from the north and east of the Planning Area. Mount Diablo Creek branches several times within the Planning Area with forming tributaries including Donner Creek, Mitchell Canyon Creek, Back Creek and some unnamed tributaries within the Planning Area.

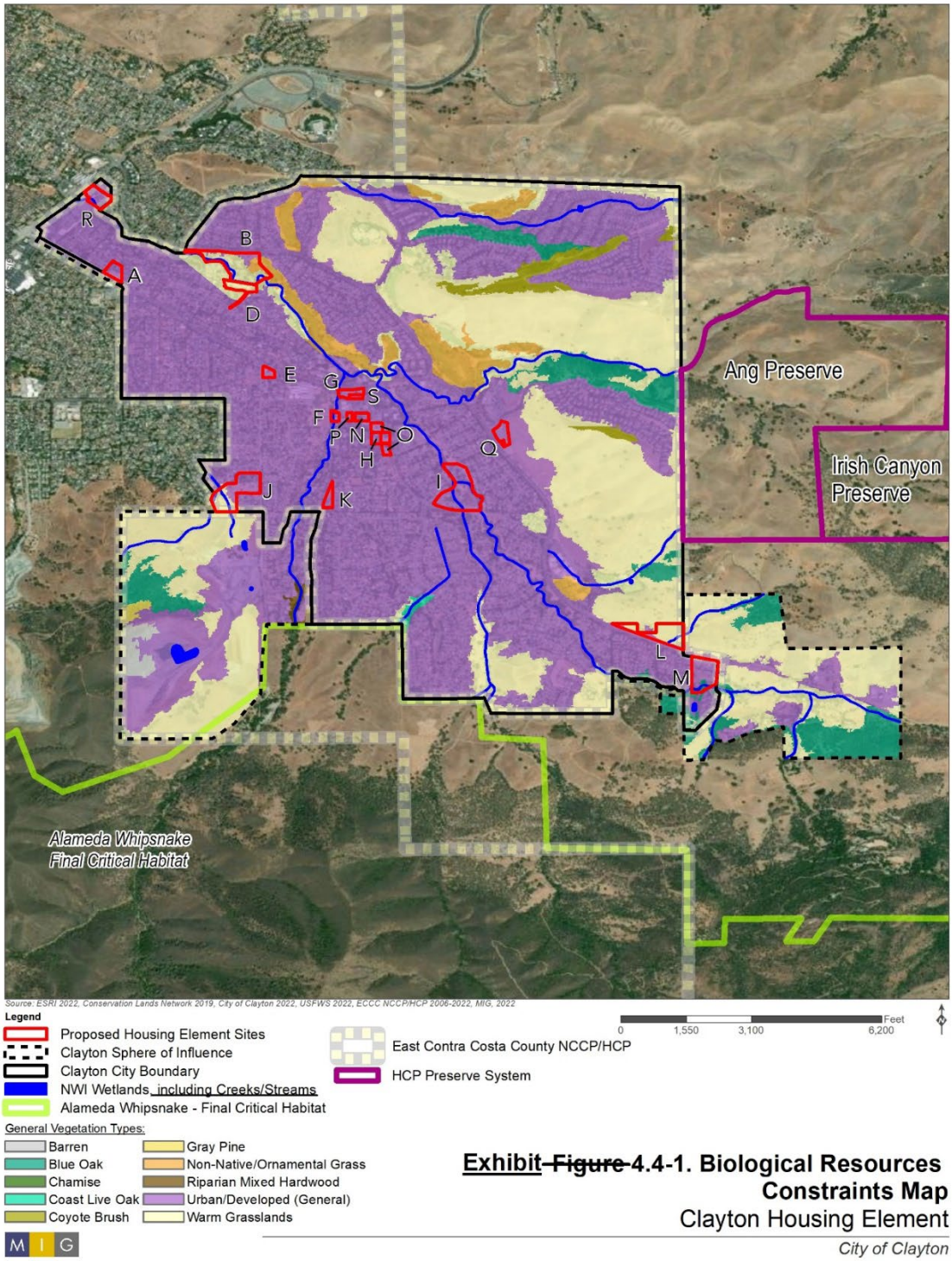
Draft EIR Section 4.4.1, Environmental Setting, Table 4.4-1

(Page 4.4-7, Table 4.4-1, between entries for California black rail and Suisun song sparrow):

Lanius ludovicianus	loggerhead shrike	SSC	Woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes, developed urban or agricultural areas with trees and open fields.	**May be Present.** Wetlands and similar habitats are known to occur within the Planning Area that could support this species.

Draft EIR Section 4.4.1, Environmental Setting, Figure 4.4-1

(Page 4.4-3, Figure 4.4-1): Figure 4.4-1 has been updated with "NWI Wetlands, including Creeks/Streams" based on the request from CDFW. Additionally, the word "~~Figure~~" was changed to "Exhibit" in the title. The updated version of this map is provided below.



Draft EIR Chapter 5, Alternatives

The following changes to Draft EIR Chapter 5 are the result of the inadvertent omission of "Site T" from Alternative 3. Alternative 3 was supposed to include the addition of Sites T, U, and V; however, the Draft EIR only included the addition of Sites U and V. Site T consists of two adjacent parcels on Marsh Creek Road, under common ownership, and totaling 1.45 acres. Site T could support 33 residential dwelling units. Site T was included in the draft Housing Element submitted to the California Department of Housing and Community Development (HCD) and was considered by the public and decision-makers through the public review process for the draft Housing Element. For this Final EIR, the recalculation of total units for Alternative 3 has been revised to account for Site T and adjustments to Sites U and V based on 80 percent of maximum capacity for each site based upon the respective General Plan land use designation. The total unit yield for Alternative 3 under this revised condition is 936 units. This total is below the 966 unit count examined in this EIR. Thus, the inclusion of Site T would not result in any new impacts not already considered in the Alternatives analysis.

The changes to Chapter 5, Alternatives, identified below focus on including Site T in the text of this Chapter.

Draft EIR Section 5.3, Alternatives Selected

(Page 5-3, third bullet point):

- Alternative 3:Reduced Residential Development at Site M and Town Center and Addition of Sites T, U, and V to the Housing Site Inventory

Draft EIR Section 5.3, Alternatives Selected

(Page 5-3, Alternative 3 discussion): **Alternative 3** would include the reduced densities encompassed in Alternative 2, with addition of new Sites T, U, and V to the housing inventory. Additional Site T is located at 6500/6530 Marsh Creek Road, additional Site U is located on a portion of the existing driving range at the Oakhurst Golf Club at 1001 Peacock Creek Drive, and additional Site V is located at 1970 Eagle Peak Avenue. The respective owners of Sites T, U, and V have expressed interest in developing their properties with townhouses at an estimated density of 20 du/ac. The reduction of densities on Site M and the Town Center, with inclusion of Sites T, U, and V into the housing inventory would result in an increase in potential residential development capacity from 868 dwelling units to 966 dwelling units.

Draft EIR Section 5.3, Alternatives Selected

(Page 5-5, Table 5-1):

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

Source: MIG, 2022
LTS= Less-than-Significant Impacts
SU= Significant and Unavoidable Impacts

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-13, Alternative 3 analysis title): ***Alternative 3: Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory***

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-13, Alternative 3 discussion): This Alternative assumes that overall residential development associated with the HEU would be increased from 868 dwelling units to 966 dwelling units, an increase in development capacity of approximately 11 percent when compared to the proposed project. This alternative assumes that policies and goals associated with the Housing Element Update would be applicable to development under this alternative. Table 5-1 shows how impacts associated with the implementation of this alternative compared to the impacts associated with implementation of the Reduced Residential Development at Site M and Town Center and Addition of Sites T, U, and V to the Housing Inventory Alternative. The potential impacts associated with the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative are described below.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-13, Aesthetics analysis): **a. Aesthetics.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative assumes the amount of development would be increased compared to the project. As with the project, aesthetic impacts are anticipated to be less-than-significant under the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative. Project-specific impacts with respect to scenic vistas were determined to be less than significant. Buildout of proposed housing sites under the Housing Element Update would occur at locations in the City of Clayton that are either already developed or in vacant properties in developed areas. There are no proposed housing sites in undeveloped portions of the Planning Area, and as such, the project would not result in cumulative impacts with respect to scenic vistas. Outdoor lighting is regulated by 15.03.612 (Public Nuisance Lighting) of the City's Municipal Code. Any new development under this Alternative would be required to undergo design review, which would ensure compliance with regulations and review for potential light and glare. This alternative would result in a similar less-than-significant impact, when compared to the project, despite the increase in development associated with this alternative.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-14, Air Quality analysis): **c. Air Quality.** As described in Section 4.3, the project would result in a less than significant construction-related air quality impact with mitigation incorporated. Because the identified potentially significant air quality impacts of the project are related to site-specific construction activities, similar potentially significant construction impacts from increased development potential under this Alternative would be less than significant with incorporation of mitigation measures. As such, the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would result in similar less than significant impacts with mitigation incorporated as the proposed project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-14, Biological Resources analysis): **d. Biological Resources.** Approximately 33 special status species were determined to "May be Present" within the Planning Area, with potential to occur on at least some of the housing inventory sites. Many of the housing inventory sites are located within or adjacent to streams, riparian woodlands, and/or other suitable habitats that could potentially support these sensitive species, including Sites B, D, F, G, I, J, L, M, Q, R, U, and V. While field surveys are required to confirm for compliance with the ECCC HCP/NCCP, housing inventory sites located in urban and well-developed areas that are significantly less likely to support most of these species include Sites A, E, H, K, N, O, P, S. While the amount of development under this alternative would be increased, all future projects would be required to adhere to existing regulations regarding nesting birds. Similar to the project, the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would have a similar less-than-significant impact on biological resources.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-14, Cultural Resources analysis): **e. Cultural Resources.** As with the project, development under the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative could still uncover previously unknown cultural resources or destroy/change structures that could be considered historic. Therefore, future development under this alternative could have the potential to disturb or destroy sensitive cultural resources. Similar to the project, development projects under this alternative are required to implement cultural resources mitigation for cultural resource monitoring during all ground-disturbing activities. Therefore, similar to the project, this alternative would have a less-than-significant impact on cultural resources with incorporation of mitigation.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-14, Energy analysis): **f. Energy.** As with the project, development associated with the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would require the consumption of electricity, natural gas, and vehicle fuel resources to accommodate growth. Development under this alternative would result in increased energy consumption compared to the project; however, it is not likely that the increase would result in the wasteful use of energy or require mitigation to reduce impacts to less than significant. Therefore, this alternative would have a similar less-than-significant energy impact compared to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-15, Geology and Soils analysis): **g. Geology and Soils.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would result in geology and soils impacts similar to those associated with the project, as both the alternative and the project would be exposed to the same existing geologic conditions within the City. As with the project, existing building requirements would be applicable under this alternative. Additionally, all future projects would be required to be designed and constructed in compliance with all applicable City and state codes and requirements. Finally, as with the project, the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would still require future development to implement mitigation measures in order to reduce potential impacts to

paleontological resources to less than significant. As such, the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would have a similar less-than-significant geology impact as the proposed project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-15, Greenhouse Gas Emissions analysis): **h. Greenhouse Gas Emissions.** The project would result in a significant unavoidable GHG emissions impact. The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would result in an increase in development potential when compared to the project. Given this alternative would result in increased development potential, this alternative would have a greater significant and unavoidable impact as the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-15, Hazards and Hazardous Materials analysis): **i. Hazards and Hazardous Materials.** Hazardous materials would be present during construction and operation of development associated with the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative. The amount and use of these chemicals present during construction would be limited, would be in compliance with existing government regulations, and would not be considered a significant hazard. As with the project, any future development under this alternative would be subject to the City's standard environmental review as well as hazardous materials policies included in the existing General Plan. This alternative would have a less-than-significant hazards and hazardous materials impact and would be considered similar to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-15, Hydrology analysis): **j. Hydrology and Water Quality.** Development associated with implementation of the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would be subject to all existing water quality regulations and programs. This alternative assumes a population and development increase that would be less than the project. Similar to the project, this alternative would have a less-than-significant hydrology and water quality impact.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-15, Land Use and Planning analysis): **k. Land Use Planning.** As with the project, the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the Housing Inventory Alternative would not physically divide an established community. Development would be consistent with the existing General Plan policies, and would not conflict with regulations adopted to avoid environmental effects. Similar to the project, this alternative would have a less-than-significant land use impact.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Mineral Resources analysis): **l. Mineral Resources.** Similar to the proposed HEU, no development would take place in any location with known mineral resources or at any known mineral resources extraction site under the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative. As with the project, this alternative would have no impact on mineral resources.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Noise analysis): **m. Noise.** The project would result in less than significant construction noise impacts with mitigation incorporated and less than significant operational noise impacts. The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative would result in greater potential development when compared to the project. Similar to the project, mitigation measures would be required to ensure that construction noise is mitigated for projects located near sensitive receptors. Due to the increase in development the traffic noise impact would be increased when compared to the project; however, the potential increase in development capacity from this individual site would not be great enough to require mitigation and would still be less than significant. Therefore, this alternative would have a similar less than significant impact to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Population and Housing analysis): **n. Population and Housing.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative would result in increased residential development and population growth relative to the project. However, it would not induce substantial unplanned growth nor would it displace substantial numbers of persons or housing compared to the project. Therefore, this alternative would result in a similar less-than-significant impact related to population and housing when compared to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Public Services analysis): **o. Public Services.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Alternative would result in an increased amount of development and related population and employment growth, which would result in greater demand for public services relative to the project. However, with continued payment of development impact fees to offset incremental growth, this alternative would result in a similar less-than-significant public services impact when compared to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Recreation analysis): **p. Recreation.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative would result in an increased amount of development and associated population growth, which would result in greater demand for recreational facilities relative to the project. However, with continued payment of development impact fees to offset incremental growth, this alternative would result in a similar less-than-significant recreation impact when compared to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Transportation analysis): **q. Transportation.** The proposed project would result in significant and unavoidable VMT impacts. The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative would result in an increase in residential development and associated VMT relative to the project. Given the increase in residential development associated with this alternative, significant and

unavoidable transportation impacts of a greater magnitude compared to the project would likely occur under this alternative.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-16, Tribal Cultural Resources analysis): **r. Tribal Cultural Resources.** As with the project, development under the Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative could uncover previously unknown Tribal Cultural Resources. Compliance with existing regulations regarding burial grounds and consultation with Native American tribes, in addition to mitigation measures requiring cultural resource monitors during all ground-disturbing activities, would ensure that potential impacts would be reduced to less than significant. Similar to the project, this alternative would have a less-than-significant impact on cultural resources with adherence to existing regulations and implementation of mitigation.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-17, Utilities and Service Systems analysis): **s. Utilities and Service Systems.** The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative would result in an increased amount of development and associated population and employment growth, which would result in greater demand for utilities services compared to the project. However, with continued adherence to existing regulations and implementation of mitigation for water service impacts, this alternative would have a greater but still less-than-significant utilities and service system impact when compared to the project.

Draft EIR Section 5.6, Alternative 3 Analysis

(Page 5-17, Attainment of Project Objectives): The Reduced Residential Development at Site M and Town Center Sites and Addition of Sites T, U, and V to the RHNA Inventory Alternative assumes an 11 percent increase in residential development population growth within the Planning Area, but a similar level of non-residential growth as associated with the project. This alternative assumes HEU goals and policies would be applicable. It would generally meet the following project objectives, similar to the project:

4 – PUBLIC CIRCULATION

Availability and Distribution

On March 2, 2022, the City of Clayton as lead agency submitted Notice of Preparation (NOP) of an EIR for the Housing Element Update and related land use and zoning amendments to the State Clearinghouse for distribution to State agencies. The City also distributed the NOP to governmental and non-governmental interested parties identified on the standard notification list maintained by the City of Clayton Community Development Department (See Attachment A). The NOP was circulated for a 34-day public review period from March 2 to April 4, 2022. The NOP was available on the City's website during the entire NOP public review period.

A virtual Scoping Meeting was held on March 8, 2022, with the City Planning Commission for public agencies and the public to ask questions about the Housing Element Update and provide input as to important issues that should be addressed in the Draft EIR (See Attachment B).

On August 19, 2022, the City distributed Notice of Availability (NOA) of the Draft EIR by first class or electronic mail to public agencies, interested individuals, and other entities on the City's notification list. The NOA was also filed with the Contra Costa County Clerk's Office and published in the East County Times on August 19, 2022 (See Attachment C). The NOA was sent to the same public agencies, interested individuals, and entities that received notification of the NOP (See Attachment D), including government agencies, neighboring jurisdictions, and non-governmental interested parties. The NOA and Notice of Completion (NOC) were both submitted electronically to the State Clearinghouse (SCH) for distribution to State agencies (See Attachment E) and the project was issued SCH #2022030086. The NOA and Draft EIR materials were also available on the City's website during the entire Draft EIR comment period. Notification was also submitted to local Native American Tribal Governments in accordance with CEQA statutes, guidelines, and Assembly Bill 52 (Gatto, 2014).

Agency Mailing List

State of California
State Clearinghouse
State Department of Housing and Community Development
Department of Transportation, District 4
State Office of Historic Preservation
Native American Heritage Commission
Department of Toxic Substances Control
Department of Fish and Wildlife, Bay Delta Region 3

Contra Costa County
Contra Costa County Department of Conservation and Development
Contra Costa County Fire Protection District
Central Contra Costa Sanitary District
Contra Costa Water District

Regional
Regional Water Quality Control Board, San Francisco Bay Region 2

Association of Bay Area Governments
East Bay Regional Parks District
Contra Costa Local Agency Formation Commission
Bay Area Air Quality Management District, Environmental Planning Division

Local Cities
City of Concord Community Development Department
City of Concord Public Works Department
City of Walnut Creek Community Development Department

Transportation
Contra Costa Transportation Authority
Contra Costa Regional Transportation Planning Committee/TRANSPAC

Education
Mt. Diablo Unified School District

Utilities/Services
Pacific Gas & Electric
Republic Services

Native American Tribes
Wilton Rancheria
Amah Mutsun Tribal Band of Mission San Juan Bautista
Indian Canyon Mutsun Band of Costanoan
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
North Valley Yokuts Tribe
The Ohlone Indian Tribe

ATTACHMENT A: NOTICE OF PREPARATION

CITY OF CLAYTON
Founded 1857 Incorporated 1964

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF SCOPING MEETING FOR THE CITY OF CLAYTON 6th CYCLE (2023-2031) HOUSING ELEMENT UPDATE AND ASSOCIATED LAND USE ELEMENT AND ZONING CODE AMENDMENTS

TO: Responsible Agencies, Trustee Agencies, and Interested Parties

DATE: March 1, 2022

The City of Clayton is the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for a project involving a comprehensive update of the City of Clayton General Plan Housing Element, focused updates to the Land Use Element, and parallel amendments to the Zoning Code ("project").

The updated Housing Element will establish programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and will identify how the City plans to accommodate the Regional Housing Needs Allocation (RHNA) of 570 units through the year 2031, as established by the Association of Bay Area Governments (ABAG). The City also proposes updates to the Land Use Element to correspond to the Housing Element's housing plan, as well as Zoning Code amendments necessary to implement the Housing and Land Use Elements, as amended. Details on the project are provided below, and other information about the Housing Element and the Housing Element process can be found on the City's website at https://claytonca.gov/community-development/housing/housing-element/.

The City is requesting identification of environmental issues, environmental impacts, and information that you or your organization believes need to be considered and analyzed in the EIR, including environmental impacts, mitigation measures, and alternatives.

NOTICE OF SCOPING MEETING

Pursuant to California Public Resources Code Section 21083.9 and California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines") Section 15082(c)(1), the Lead Agency will conduct a public scoping meeting for the purpose of soliciting written comments from interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies, transportation agencies, and involved federal agencies as to the appropriate scope and content of the EIR.

The public scoping meeting will be held in an online format using the Zoom application and will be an opportunity for agencies and interested parties to provide spoken comments on the scope

of the EIR. City staff will be available during this meeting to provide clarification on the project and the environmental review process. Interested parties wishing to provide comments or public testimony can speak during the meeting or provide their comments in writing, as described under "Submittal of Written Comments" below. No decisions about the project will be made at the scoping meeting. A separate public hearing for the project will be scheduled after the completion of the EIR. The date, time, and virtual location of the public scoping meeting is as follows:

Date: March 8, 2022 at 7:00 p.m.

Location: Virtual Webinar

To protect residents, officials, and staff, and in accordance with California State Assembly Bill 361 and Government Code Section 54953(e), the scoping meeting will be conducted during a regular Planning Commission meeting held using teleconferencing. A physical location from which members of the public may observe or participate in the meeting in person will not be available. The following options are provided to view, listen to, or provide comments during the meeting:

Videoconference: To join the meeting on-line via smart phone or computer, click on the link https://us02web.zoom.us/j/87901324143; or, through the Zoom application, enter **Webinar ID:** 879 0132 4143. No registration or meeting password is required. To indicate your request to speak, use the 'Raise Hand' feature when the Planning Commission Chair invites public comments on the agenda item.

Phone-in: Dial toll free 877-853-5257. When prompted, enter the Webinar ID above. If joining the meeting by phone, press *9 to 'Raise Hand' to indicate your request to speak, then press *6 to unmute yourself when prompted by the Planning Commission Chair or staff.

RESPONSIBLE AND TRUSTEE AGENCIES

The City requests your agency's views on the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the project, in accordance with the CEQA Guidelines, Section 15082(b). Your agency will need to use the EIR prepared by the City when considering any permits or other project approvals that your agency must issue. As such, your responses to this Notice of Preparation (NOP), at a minimum should identify: (1) the significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the EIR; and (2) whether your agency will be a responsible or trustee agency for this project.

REVIEW AND RESPONSE PERIOD

March 2, 2022 to April 4, 2022

Pursuant to CEQA Guidelines Section 15082(b), responses to this NOP must be provided during this response period.

SUBMITTAL OF WRITTEN COMMENTS

Please send your written comments to:

Dana Ayers, AICP,
Community Development Director
City of Clayton Community Development Department
6000 Heritage Trail
Clayton, California 94517

Email: danaa@claytonca.gov
Tel: (925) 673-7343
Fax: (925) 672-4917

Project Location

The City of Clayton is located in north-central Contra Costa County, approximately 20 miles east of downtown Oakland. The City is located at the base of the north slope of Mt. Diablo. For the purposes of this project, the area of interest includes all properties within the corporate City boundaries and the City's Sphere of Influence (SOI), as defined by the Contra Costa County Local Agency Formation Commission. This planning area is bounded to the south by Mt. Diablo State Park and to the northeast by Black Diamond Regional Preserve. The northern and western planning area boundaries are shared with the City of Concord. The regional context of Clayton is shown in Exhibit 1 (Regional Context Map). Exhibit 2 (Planning Area Map) provides a more detailed view of the planning area and illustrates the current General Plan land use diagram.

The planning area includes the entire City of Clayton, which is 3.84 square miles of land, as well as its SOI, which is an additional 0.98 square miles. The City also has a Planning Area which extends beyond the SOI that will not be impacted by this project. Freeways and highways that provide regional access include Interstate 680 (I-680) to the west, State Route 242 (SR 242) to the northwest, and Interstate 580 (I-580) to the south. Regional arterials directly serving Clayton are Ygnacio Valley/Kirker Pass Road and Clayton Road. Clayton Road carries traffic to downtown Clayton from SR 242. Marsh Creek Road connects Clayton to the east to Brentwood.

Project Description

The Housing Element is one of the mandated General Plan elements. All cities and counties in California are required to update their Housing Element every eight years to meet existing and future projected housing needs of all economic segments of the community. Clayton, as a part of the ABAG region, is preparing this 6th cycle Housing Element for the 2023-2031 planning period.

The Housing Element Update establishes programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all income levels of the community; provides evidence of the City's ability to accommodate the RHNA through the year 2031, as established by ABAG; and identifies changes to the General Plan Land Use Element needed to support the required housing capacity. In addition, the Housing Element includes goals and strategies to maintain the quality of the existing housing stock, promote housing opportunities for special needs

households, incorporate energy conservation approaches that can contribute to reduced housing costs, and affirmatively further fair housing practices. The Housing Element must be adopted by January 2023.



The City has been assigned a RHNA of 570 units, distributed among the four income categories shown in the adjacent diagram. Achieving this RHNA will require that the City amend the Land Use Element to clearly define and possibly increase multi-family residential densities and change land use designations in the downtown. Parallel changes would need to be made to the Zoning Code and zoning map.

Exhibit 3 identifies existing land uses, and Exhibit 4 identifies the proposed land use changes associated with the Housing Element Update. These changes would affect the ultimate build-out reported in the General Plan Land Use Element. As shown in the table below, these proposed land use changes have the potential to result in increased capacity for as many as 883 new dwelling units, an increase of approximately 20,000 square feet of commercial space, and a reduction of approximately 7,000 square feet of public facilities/institutional space. Potential increases of approximately 2,397 residents and 100 jobs are projected for the 2031 horizon year.

Land Use Data Table

Development Indicators	Existing Conditions (2021)	Future Buildout Conditions (2029)	Existing to Buildout Change (Numbers)	Existing to Buildout Change (Percentage)
Dwelling Units	4,120	5,003	+883	21.4%
Population	11,268	13,665	+2,397	21.3%
Employees	1,510	1,610	+100	6.6%
Non-Residential Building SF	357,140	307,140	+13,000	3.6%
Commercial	*173,490*	*193,490*	+20,000	*11.5%*
Office	*83,650*	*83,650*	*0*	*0.0%*
Public Facilities/Institutional	*100,000*	*93,000*	*-7,000*	*-7.0%*

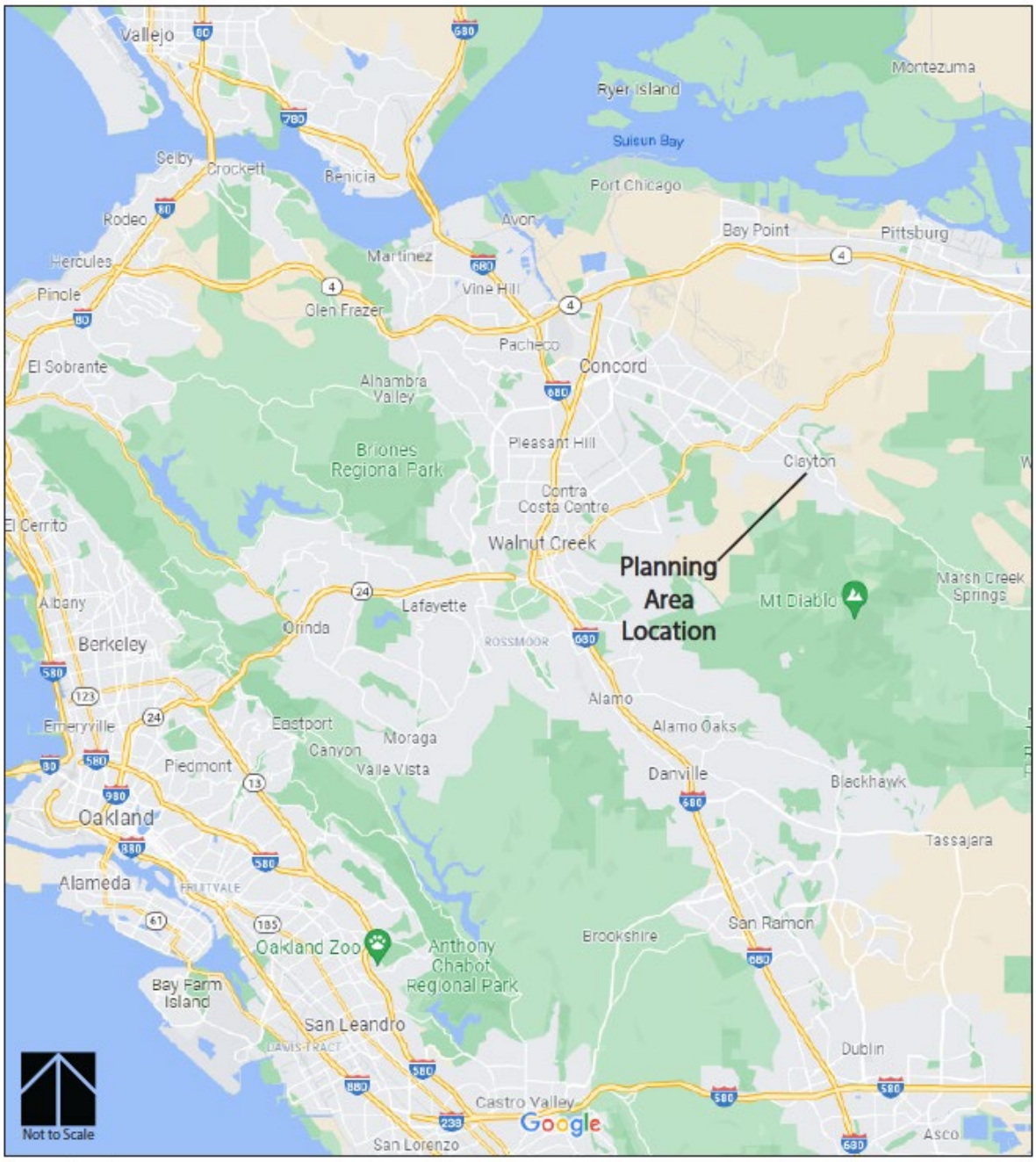
Source: City of Clayton, 2021; MIG, Inc. 2022; UrbanFootprint, 2021; Department of Finance (DOF) Demographic and Research Unit, 2021; and Esri Business Summary, 2021.

Notes: Vacancy Rate: 2.79%; Persons Per Household: 2.81 (DOF, 2021)

Programmatic EIR

The City of Clayton has determined that the proposed project will require preparation of an EIR pursuant to CEQA. The City is the Lead Agency for preparation of a Program EIR for the proposed Housing Element update and associated changes to the Land Use Element and Zoning Code. The Program EIR will evaluate the environmental impacts resulting from implementation of the proposed project and will recommend mitigation measures to avoid or reduce significant impacts, where applicable. The Program EIR also is intended to help the City review future project proposals pursuant to section 15168 (Program EIR) of the CEQA Guidelines. The following environmental topics will be evaluated in the EIR:

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

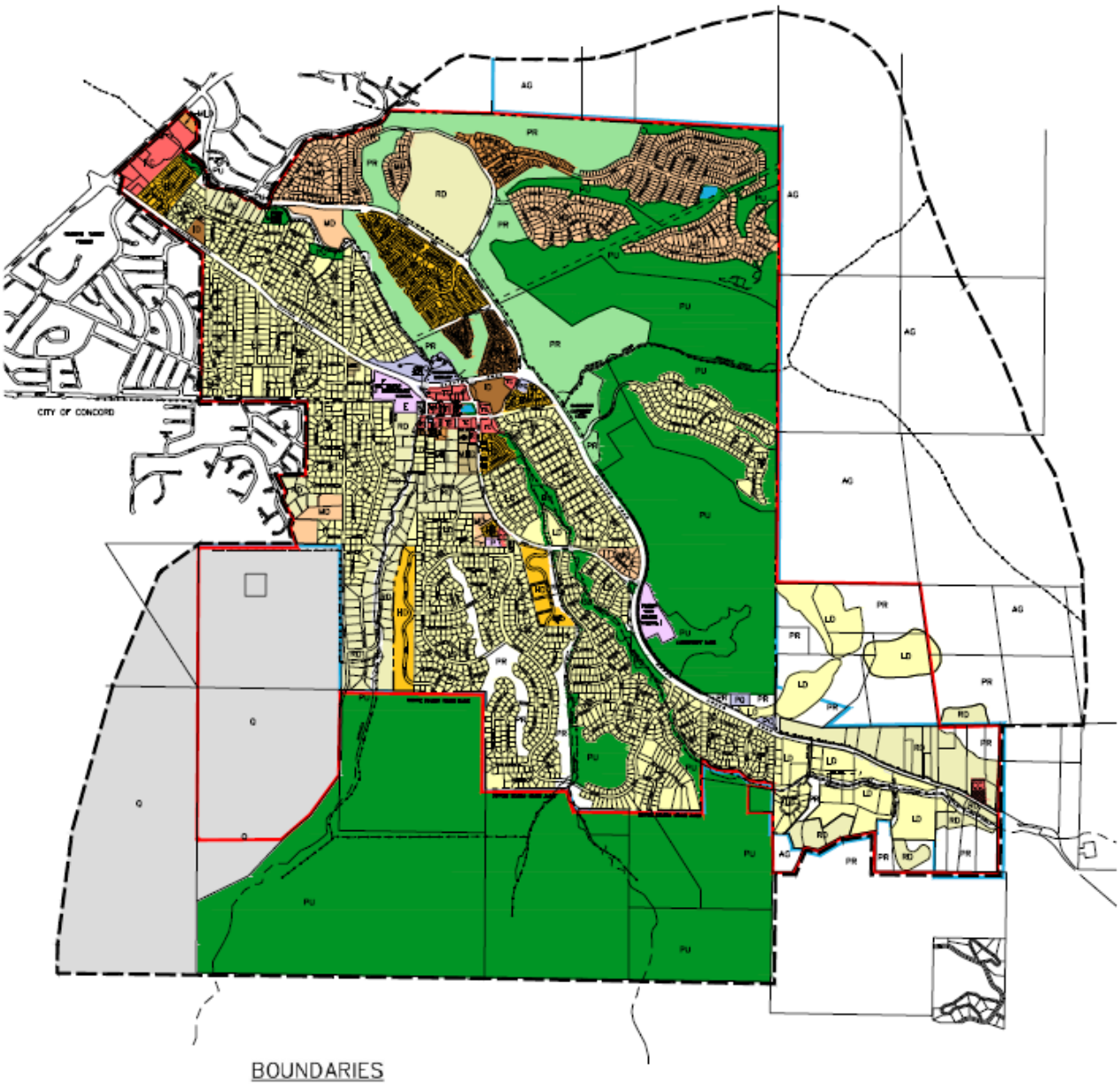


Source: Google

http://www.migcom.com • 951-787-9222

Exhibit 1 Regional Context Map

City of Clayton 6th Cycle (2023-2031) Housing Element Update
Clayton, California

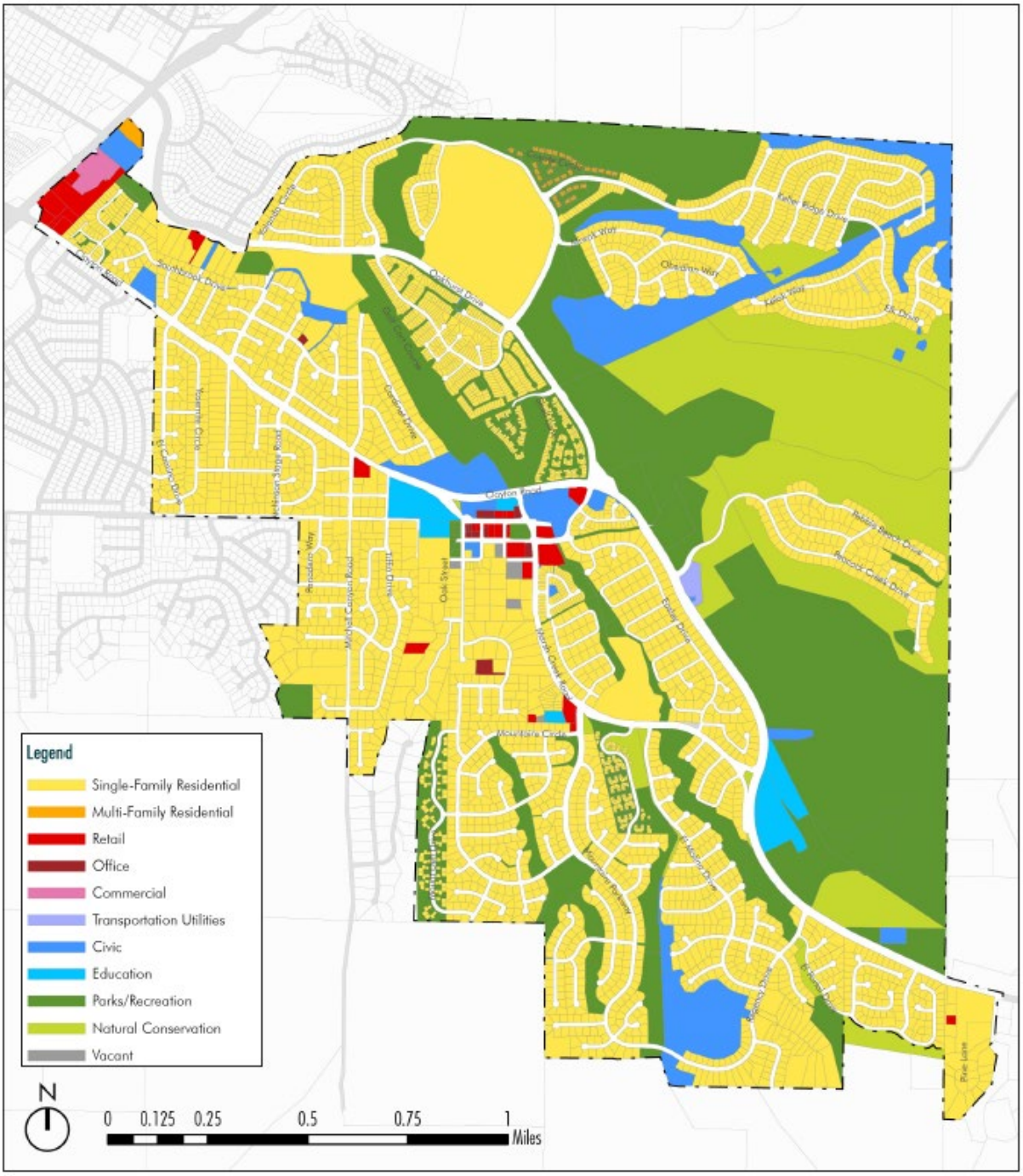


Source: Clayton General

http://www.migcom.com • 951-787-9222

Exhibit 2 Planning Area Map

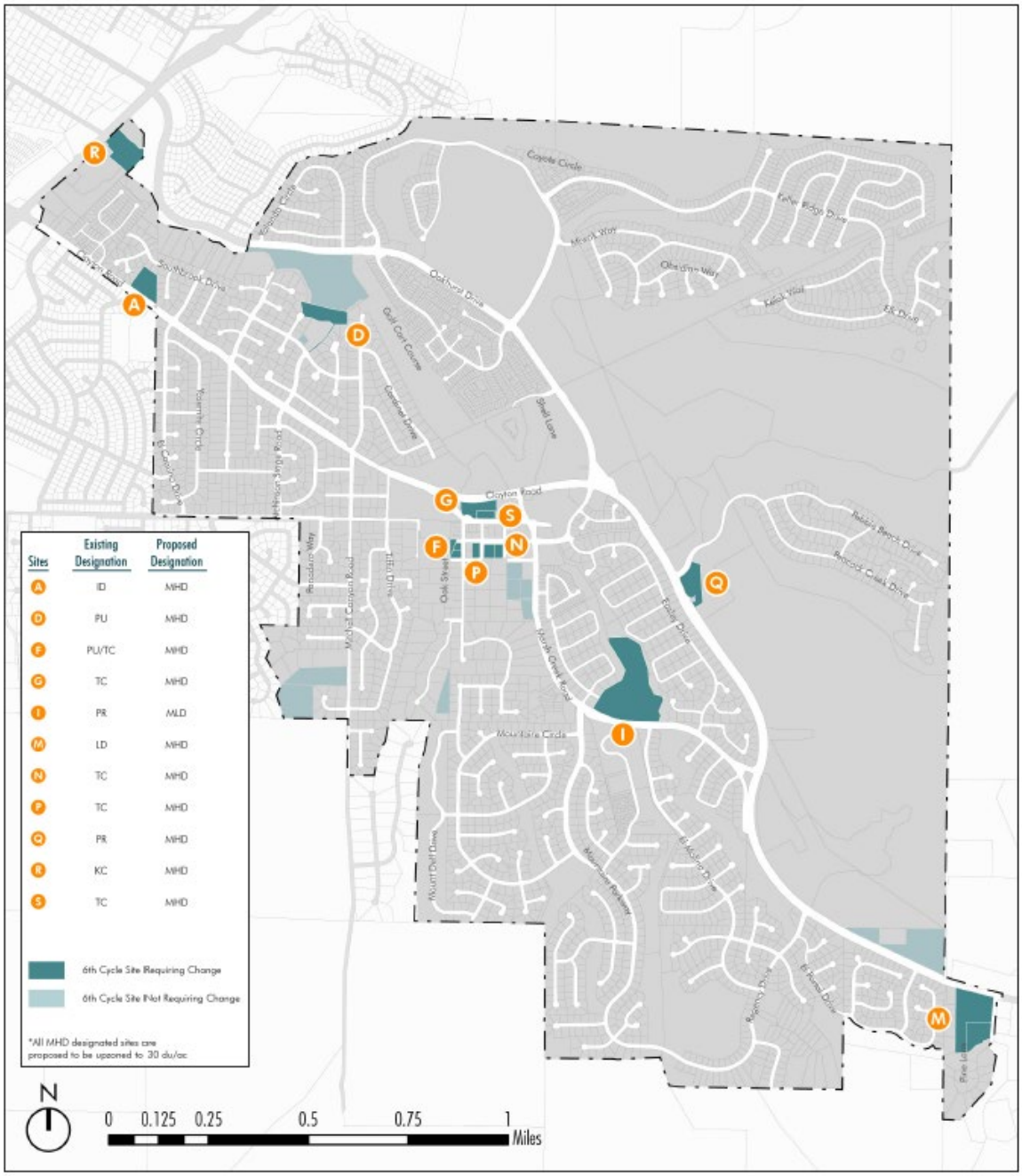
City of Clayton 6th Cycle (2023-2031) Housing Element Update
Clayton, California



Source: Clayton General Plan
http://www.migcom.com • 951-787-9222

Exhibit 3 Existing Land Use Map

City of Clayton 6th Cycle (2023-2031) Housing Element Update
Clayton, California



Source: MIG, Inc.
http://www.migcom.com • 951-787-9222

Exhibit 4 Proposed Land Use Changes
City of Clayton 6th Cycle (2023-2031) Housing Element Update
Clayton, California

ATTACHMENT B: SCOPING MEETING MINUTES

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, March 8, 2022

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Vice Chair Miller led the Pledge of Allegiance.

3. ROLL CALL

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

Excused: Commissioner Frank Gavidia

4. PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

5. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

6. PUBLIC COMMENT

There were no public comments on non-agendized matters.

7. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of February 22, 2022.

Commissioner Hines-Shaikh clarified for the record that she had intended to inquire about the "acutely low-income" category at the February 22 meeting when she had mistakenly stated "extremely low-income" in her question to staff. She otherwise had no corrections to the minutes as submitted.

Commissioner Hines Shaikh moved to approve the minutes as submitted. Vice Chair Miller seconded the motion. The motion passed by vote of 4-0.

8. SCOPING SESSION

A. CEQA Scoping Session for the Environmental Impact Report for the City of Clayton 6th Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments.

This is a scoping session, held pursuant to the California Environmental Quality Act (CEQA), for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies as to the scope and content of the environmental impact report (EIR) that will analyze the potential environmental effects of adoption and implementation of the City of Clayton 6th Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments ("project").

Community Development Director Dana Ayers introduced the item and the consultant, Cameron Hile from MIG, Inc., who was managing preparation of the EIR for the Housing Element Update. Mr. Hile presented a brief overview of CEQA and the purpose of tonight's public scoping session.

Speaking to greenhouse gas (GHG) emissions, Commissioner Hines-Shaikh asked if the EIR would only evaluate a scenario wherein GHG emissions would increase because of new development, or if consideration could be provided in the EIR regarding the consequences of building locations, and more specifically, the relationship between shortened distances from residences to jobs and reduction in GHG emissions from shorter vehicle commutes.

Mr. Hile explained that emissions from the project would be calculated and compared against a threshold to determine whether a significant impact might occur. He described that the model for evaluating GHG emissions was not so granular as to evaluate specific sites, though it could account for particular GHG reduction measures that could be applied to future development. Vehicle trip generation and vehicle miles traveled projected to be generated from all of the housing units in the plan would be used as inputs into the GHG model, which would estimate GHG emissions. Thresholds for certain air pollutants have been set by regional air quality agencies for the Bay Area basin, and if the air modeling showed that the project would result in exceedance of those thresholds, then mitigation should be introduced into the project. No mitigation would be required if projected emissions fell below the threshold.

Commissioner Hines-Shaikh said she understood that potential mitigation measures for GHG would be tangible things such as building materials. She

asked if human behavior was accounted for in the modeling; for example, if the construction of homes in certain areas closer to job centers would result in the model showing the residents in those areas driving shorter distances to work. Mr. Hile was not sure if that was accounted for in the air quality model but could follow up with his colleagues performing that modeling.

Chair Denslow understood the project area to be the city of Clayton. With that understanding, she asked if impacts would be evaluated within that project boundary and if impacts outside of that line, for example, within another city, would be outside the scope of the EIR. Director Ayers confirmed that the project area was the municipal boundary, but that environmental impacts would be evaluated based on their particular context and setting. For example, air emissions and vehicle trips are regional and/or global phenomena that necessitate regional or global evaluation of environmental impacts. Recreational or aesthetics impacts, by contrast, might be more local and limited to the use of city parks or impacts to views of and from properties within the city.

Chair Denslow then asked staff to clarify, if a job center was located in another city, would the environmental impacts of the Housing Element be greater because trips to that job center would be longer. Director Ayers advised that modeling was based on some level of assumptions about human behavior. If a census tract had housing, a school, a shopping center and an office building, the model would assume some level of interplay of trips between those uses within that census tract; for example, a parent driving to school to drop off a child and then driving to work in an office building. Mr. Hile explained that the modeling of vehicle trips and vehicle miles traveled would be conducted within the transportation model that would inform the GHG and air emissions model. He also explained that air quality and transportation modeling are performed on a regional basis.

Commissioner Cesarin asked if the EIR would include recommendations, such as adding a bus route, to County or State entities regarding transportation and GHGs based on housing siting assumptions. Mr. Hile explained that the EIR process did not include recommendations to agencies other than the City. Mitigation measures would be recommended to the City if they were necessary to reduce environmental impacts, but he was not sure at this time if any mitigation was necessary. Commissioner Cesarin then asked if other agencies had opportunity to comment on, appeal, or challenge the Housing Element or its EIR. Director Ayers and Mr. Hile advised that the City of Concord, Contra Costa County, and the City of Walnut Creek, the two former of which were jurisdictions that adjoined Clayton's municipal boundary, were sent copies of the Notice of Preparation (NOP) and invited to give feedback on the scope of the EIR. The NOP was also noticed to State agencies with jurisdiction in the area. Commissioner Cesarin also asked whether the EIR would address and

mitigate effects to wildlife, to which Mr. Hile advised that that analysis would be conducted under the Biological Resources section of the EIR.

Chair Denslow requested clarification on timing of the EIR. Understanding that the Housing Element had needed to be complete by January 2023, she asked if the schedule would accommodate multiple iterations of the analysis in the EIR, if necessary. Director Ayers confirmed the schedule and said that the timeline was tight, but that she had seen EIRs written in this amount of time, and the project was currently on track with the timeline in the scope of work that the City Council approved in May 2021.

Chair Denslow confirmed with Director Ayers that the "project" on which the EIR analysis would be based assumed a high intensity scenario wherein the majority of the sites in the draft Housing Element site inventory were rezoned to allow up to 30 units per acre. Chair Denslow then asked about a hypothetical scenario wherein some of the sites were rezoned to allow more than 30 units per acre, and if in that scenario, the EIR would have to be recirculated. Mr. Hile advised that a limited focus addendum to the EIR could possibly be prepared in that instance. That was a shorter process than preparation of an EIR; if no new impacts or mitigation measures were identified in the addendum and the conclusions of the EIR remained valid for the hypothetical higher-intensity project, then the EIR would not have to be recirculated as a subsequent EIR.

Chair Denslow asked if there was any reason why the analysis in the EIR could not start with the highest densities, if directed by decision-making bodies and to reduce the potential need for recirculation. Director Ayers advised that the adopted Housing Element might include some sites with more than 30 unit per acre densities, and some might have fewer than 30 unit per acre densities, such that the total averaged unit count might be consistent with the project unit count as described in the NOP. Director Ayers also suggested that, in addition to mitigation measures, comments on the scope could include comments about potential alternatives, and a more intense scenario could be suggested during the NOP process as an alternative to be considered in the EIR. Mr. Hile advised that, in evaluating that scenario as an alternative, that scenario's impacts would be compared against the impacts of the project, and it would also be evaluated on how well it would meet the objectives of the Housing Element Update. Chair Denslow said that some comments made at previous Planning Commission and City Council meetings were in support of higher densities in certain locations, and she did not want to see time lost in recirculation if the EIR did not adequately consider that scenario.

Chair Denslow confirmed with staff that the scope of the Housing Element Update that was described in the NOP should not be perceived to be locked and not subject to future changes or input.

Chair Denslow asked Mr. Hile to clarify the analysis that will be in the Wildfire section of the EIR. Mr. Hile explained that Wildfire section was a new addition to the CEQA Checklist following recent years' increases in major incidents of wildfires and related impacts such as mudslides and loss of life. He explained that the EIR will need to evaluate whether the project would impair emergency response and evacuation plans; whether construction near slopes could weaken the slope or place structures in areas where they could cause fires; and whether development of infrastructure to support the project would exacerbate fire risk or if it would need to be put into place to mitigate fire risk. Flooding, landslides, increases in runoff, and soil instability post-fire would also need to be assessed. Mr. Hile noted that most of the sites suggested for rezoning would be in developed areas outside of high fire severity zones, but that the EIR might have to look at sites that are further from developed areas and assess wildfire threat to those sites. In response to Chair Denslow, Mr. Hile clarified that his mention of "infrastructure" was in reference to facilities such as fire truck access roads, fuel breaks, emergency water sources and power lines; fire response service would be discussed in the Public Services section of the EIR.

In response to Chair Denslow, Mr. Hile explained that coordination with the City was important to keep the EIR on schedule. His team had worked on several Housing Element environmental documents recently and had an efficient process for their preparation.

Chair Denslow invited attendees to speak on the item.

Max Davis shared his observations that CEQA seemed dated in its focus on localized impacts. He referenced studies out of the University of California, Berkeley, and stated that there are regional and global environmental benefits of density with respect to increasing housing affordability and reducing vehicle miles and air emissions from vehicles. He suggested that providing affordability and protecting property values can be perceived to be at odds with each other. He encouraged facilitating development of more units than cities' regional housing needs allocations as a means to get out of the housing and climate crisis.

Nathan Burkhardt confirmed with Mr. Hile that the EIR will include analysis of potential housing impacts on schools. Mr. Burkhardt referenced page 61 of the Mt. Diablo Unified School District report on student demographics, 10-year projections, prepared by Davis Demographics, where it was noted that Clayton's elementary school was projected to reach capacity based on historic development data. He noted that only past development data through 2014 was factored into that report.

Vice Chair Miller shared that he was anecdotally aware of the school capacity comment Mr. Burkhardt referenced, stating that his new neighbors had been told there was not a guarantee that their children could enroll in Mt. Diablo Elementary School because it was impacted. He was interested in seeing whether the data was consistent with those observations.

There was no one else present who wished to speak on this item. Chair Denslow confirmed with staff that the Commission did not need to take any action at this time.

9. PUBLIC HEARING

A. Flourishing Learners, UP-01-2022.

Stephanie Jones, the applicant, requests approval of a Use Permit (UP-01-2022) to allow the operation of a business providing tutoring services (personal improvement service) in an existing ground-floor tenant space located in the Town Center. The tutoring services are proposed to be located at 6160 Center Street, Suite D (Assessor's Parcel No. 119-018-006) and would be conducted daily from 8:00 a.m. to 7:00 p.m. This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

Assistant Planner Milan Sikela presented the item and explained that staff recommended approval of the use permit request.

Commissioner Hines-Shaikh complimented the thoroughness of staff's analysis. She asked if the tutoring facility would be subject to the additional safety, exiting and seismic requirements that would be expected of a school. Assistant Planner Sikela said that had spoken about the project with representatives of the Contra Costa Fire Protection District and Contra Costa County Building Department. He said that staff likened the proposed tutoring business to a one-one-one personal service such as music instruction that was differentiated from a classroom-type group setting. Director Ayers added that the conversations held with Fire and Building representatives were in response to staff's concerns about occupancy ratings of the tenant space and the ability for students to exit the building in the event of an emergency. She also explained that public and compulsory education schools fall under the regulatory authority of the State Architect for compliance with standards for exiting, ventilation and recreational space. Because the proposed tutoring center was a private business and not a public compulsory education program, it did not need to abide by the regulations of the State Architect, though it still needed to comply with Building Code.

Commissioner Cesarin asked how long the tenant space had been vacant. Assistant Planner Sikela suggested that the applicant might be able to provide a response. Director Ayers said that she did not know precisely how long the tenant space had been vacant but that the applicant had made inquiries to the City about occupying the space for her business since late last year. Neither Director Ayers nor Assistant Planner Sikela had received any other inquiries from potential tenants of the space, with exception of a single inquiry to use the space to temporarily store supplies for the upcoming Art and Wine Festival in April 2022.

Vice Chair Miller said he previously volunteered as an elementary school math tutor and said he was curious about whether the tenant space would have student cubicles, walls or other mechanisms to reduce sound between student work spaces.

Chair Denslow asked if the applicant had already leased the space and was now asking the Planning Commission for approval of her business. Director Ayers said that staff would not require an applicant to have a signed lease before bringing a use permit application forward to the Planning Commission, as long as there was assurance that the property's owner was aware of the filing of the use permit request. She said she has seen applicants choose to wait to sign a lease until after a decision has been made on the use permit, or to sign a lease with an exit clause that could be enacted if the use permit was denied. She was not sure if either of those situations applied to this applicant. In response to Chair Denslow, Director Ayers also advised that entitlements for the approved residential development on the opposite side of High Street remained valid. Chair Denslow suggested that that development might add activity to the High Street/Marsh Creek Road intersection. Director Ayers agreed that that was a possibility, but she added that staff's recommendation for approval of the use permit was also based on the tenant space's lack of storefront glass and the large setback of the tenant space from High Street due to the on-site parking lot, two elements that would make successful retail challenging.

Chair Denslow opened the public hearing.

The applicant, Stephanie Jones, was invited to speak to the Commission. Ms. Jones stated that she has owned Flourishing Learners for two years. She currently tutored children in 21 Clayton families and three non-Clayton families, and most of her students were elementary-aged, though she did tutor a few middle schoolers. Addressing Vice Chair Miller's question about noise, she said that the space would most often be occupied by one student with one tutor; other tutors that worked with her would continue to make house calls, and she would continue to make house calls on occasion, as well. She said that many parents enjoy the luxury of tutors coming to their homes to tutor, but that the commercial tenant space would give some

families the opportunity to study in a more structured educational setting outside of the home and with fewer distractions.

Chair Denslow asked why the applicant did not opt to locate in Flora Square, as that commercial building was closer to the elementary school. The applicant said that she and her agent had observed that a lot of students frequently walk through Town Center and The Grove. The tenant space she was requesting to use was a convenient distance from the school and from The Grove, was in a central Town Center location for Clayton families, and did not have a lot of foot traffic from passersby that could pose a distraction to students.

In response to an earlier question posed by Commissioner Cesarin, Ms. Jones said that she believed that the tenant space had been vacant for about a year. Responding to an earlier question from Chair Denslow, Ms. Jones also reported that she had negotiated a lease that allowed her not to make lease payments until the City approved the use permit for her business.

Commissioner Cesarin asked Ms. Jones if she planned to incorporate a retail component into her business. Ms. Jones advised that she intended to offer classes in elective topics such as cooking or origami, to small classes of four to five students. She did not intend to sell computer software, though she did intend to sell merchandise, such as shirt-decorating activity kits with her business' bunny logo. Commissioner Cesarin inquired of staff whether adding a retail component to the business in the future would trigger another review of the use permit application. Director Ayers advised that addition of a retail component to the tutoring business would be ancillary to the tutoring business and would not effectively change how the tutoring business would operate, as students and tutors would still be coming to and going from the space for personal instruction as the primary use. Director Ayers added that the request for a use permit was triggered by the proposal to use the space for a non-retail use; otherwise, retail uses were permitted by right in the Town Center.

There was no one else present who wished to speak on this item. Chair Denslow closed the public hearing.

Commissioner Hines-Shaikh moved to approve Use Permit UP-01-2022 allowing the operation of a business providing tutoring services in the existing ground-floor tenant space located at 6160 Center Street, Suite D, in the Town Center. Commissioner Cesarin seconded the motion. The motion passed 4-0.

10. ACTION ITEMS

There were no action items.

11. COMMUNICATIONS

Commissioner Hines-Shaikh said it was wonderful to be a part of the volunteer effort to conduct outreach for the Housing Element Update and Balancing Act through the distribution of doorhangers to Clayton residences. She expressed gratitude to the City Council for coordinating the effort.

Chair Denslow shared Commissioner Hines-Shaikh's sentiments and said it was great to see Commissioner Cesarin, Commissioner Hines-Shaikh, Vice Chair Miller, as well as City Councilmember Wolfe, Vice Mayor Tillman and Mayor Cloven participating in the effort. Chair Denslow also wished everyone a happy International Women's Day.

11. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. to the next regular meeting of the Planning Commission on March 22, 2022.

Respectfully submitted:

D. Ayers

Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

Terri Denslow, Chair

ATTACHMENT C: NOTICE OF AVAILABILITY

CITY OF CLAYTON
Founded 1857 Incorporated 1964

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

DATE: August 18, 2022

TO: Responsible Agencies, Trustee Agencies, and Interested Parties

FROM: City of Clayton Community Development Department

CONTACT: Dana Ayers, Community Development Director

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

SCH #: 2022030086

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

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

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

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

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

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

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

WRITTEN COMMENTS: Please submit written comments to:

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

ATTACHMENT D: AGENCY MAILING LIST

Agency	Street Address 1	Street Address 2	City, State ZIP
OPR / State Clearinghouse	***CEQASubmit***		
Contra Costa County Clerk	***Hand Deliver to 555 Escobar St, Mtz***		
State Dept of Housing & Community Development	C/O Land Use & Planning Unit	2020 West El Camino Ave, Suite 500	Sacramento, CA 95833
State Dept of Fish & Wildlife	Bay Delta Region 3	2825 Cordlia Road, Suite 100	Fairfield, CA 94534
California Dept of Transportation	District 4 Local Assistance	P.O. Box 23660	Oakland, CA 94623-0660
Office of Historic Preservation		1725 23rd Street, Suite 100	Sacramento, CA 95816
Bay Area Air Quality Management District	Environmental Planning Division	375 Beale Street, Suite 600	San Francisco, CA 94105
Contra Costa County	Dept of Conservation & Development	30 Muir Road	Martinez, CA 94553
City of Concord	Community Development Department	1950 Parkside Drive, Building D	Concord, CA 94519
City of Walnut Creek	Community Development Department	1666 North Main Street, 2nd Floor	Walnut Creek, CA 94596
Contra Costa LAFCO		40 Muir Road, 1st Floor	Martinez, CA 94553
Contra Costa Water District		1331 Concord Avenue	Concord, CA 94520
City of Concord	Public Works Department		
Central Contra Costa Sanitary District			
Contra Costa County Fire Protection District			
East Bay Regional Parks District			
Association of Bay Area Governments			
Mt. Diablo Unified School District			
Contra Costa Transportation Authority			
TRANSPAC			
Pacific Gas & Electric			
Republic Services			
Native American Heritage Commission			
SF Regional Water Quality Control Board			
Wilton Rancheria	Raymond Hitchcock, Chairperson	9728 Kent Street	Elk Grove, CA 95624
Amah Mutsun Tribal Band of Mission San Juan Bautista	Irene Zwierlein, Chairperson	789 Canada Road	Woodside, CA 94062
Indian Canyon Mutsun Band of Costanoan	Ann Marie Sayers, Chairperson	P.O. Box 28	Hollister, CA 95024
Muwekma Ohlone Indian Tribe of the SF Bay Area	Charlene Nijmeh, Chairperson	20885 Redwood Road, Suite 232	Castro Valley, CA 94546
North Valley Yokuts Tribe	Katherin Erolinda Perez, Chairperson	P.O. Box 717	Linden, CA 95236
The Ohlone Indian Tribe	Andrew Galvan	P.O. Box 3152	Fremont, CA 94539

online or hand delivery
certified mail
first class mail

ATTACHMENT E: NOTICE OF COMPLETION

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2022030086

Project Title: City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments

Lead Agency: City of Clayton — Contact Person: Dana Ayers, Community Development Director

Mailing Address: 6000 Heritage Trail — Phone: 925-673-7343

City: Clayton — Zip: 94517 — County: Contra Costa

Project Location: County: Contra Costa — City/Nearest Community: Clayton

Cross Streets: Clayton and Marsh Creek Roads — Zip Code: 94517

Longitude/Latitude (degrees, minutes and seconds): 37 ° 56 ′ 33 ″ N / 121 ° 56 ′ 14 ″ W Total Acres: +/-2,460

Assessor's Parcel No.: multiple — Section: — Twp.: T01N — Range: R01W — Base: MDM

Within 2 Miles: State Hwy #: N/A — Waterways: Mitchell Creek, Donner Creek, Mt. Diablo Creek

Airports: N/A — Railways: N/A — Schools: Mt. Diablo Elem, Diablo View Middle

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☑ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other:

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other:

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☑ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☑ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other:

Development Type:

☑ Residential: Units 868 Acres
☐ Office: Sq.ft. Acres Employees
☑ Commercial: Sq.ft. 13,000 Acres Employees
☐ Industrial: Sq.ft. Acres Employees
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type MGD
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type MW
☐ Waste Treatment: Type MGD
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☑ Aesthetic/Visual ☑ Agricultural Land ☑ Air Quality ☑ Archeological/Historical ☑ Biological Resources ☐ Coastal Zone ☑ Drainage/Absorption ☐ Economic/Jobs
☐ Fiscal ☑ Flood Plain/Flooding ☑ Forest Land/Fire Hazard ☑ Geologic/Seismic ☑ Minerals ☑ Noise ☑ Population/Housing Balance ☑ Public Services/Facilities
☑ Recreation/Parks ☑ Schools/Universities ☐ Septic Systems ☑ Sewer Capacity ☑ Soil Erosion/Compaction/Grading ☑ Solid Waste ☑ Toxic/Hazardous ☑ Traffic/Circulation
☑ Vegetation ☑ Water Quality ☑ Water Supply/Groundwater ☑ Wetland/Riparian ☑ Growth Inducement ☑ Land Use ☑ Cumulative Effects ☑ Other: Energy

Present Land Use/Zoning/General Plan Designation:

Multiple

Project Description: *(please use a separate page if necessary)*

The project involves a comprehensive update of the City of Clayton General Plan Housing Element for the 6th housing cycle (2023-2031). The updated Housing Element will establish programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and will identify how the City plans to accommodate its Regional Housing Needs Allocation of at least 570 units through the year 2031. The proposed Housing Element Update has the potential to result in development of up to 868 additional dwelling units and up to 13,000 square feet of additional non-residential building square footage within the Clayton Planning Area, which encompasses all properties within the City's corporate boundaries, Sphere of Influence (SOI), and some open space areas outside the City's corporate boundaries and SOI. The project includes focused updates to the General Plan Land Use Element and parallel amendments to the City's Zoning Code to implement the General Plan amendments. This project is City-wide.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

X	Air Resources Board	X	Office of Historic Preservation
	Boating & Waterways, Department of		Office of Public School Construction
X	California Emergency Management Agency		Parks & Recreation, Department of
	California Highway Patrol		Pesticide Regulation, Department of
X	Caltrans District # 4		Public Utilities Commission
	Caltrans Division of Aeronautics	X	Regional WQCB # 2
	Caltrans Planning		Resources Agency
	Central Valley Flood Protection Board		Resources Recycling and Recovery, Department of
	Coachella Valley Mtns. Conservancy		S.F. Bay Conservation & Development Comm.
	Coastal Commission		San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
	Colorado River Board		San Joaquin River Conservancy
X	Conservation, Department of		Santa Monica Mtns. Conservancy
	Corrections, Department of		State Lands Commission
	Delta Protection Commission		SWRCB: Clean Water Grants
	Education, Department of	X	SWRCB: Water Quality
X	Energy Commission		SWRCB: Water Rights
X	Fish & Game Region # 3		Tahoe Regional Planning Agency
	Food & Agriculture, Department of	X	Toxic Substances Control, Department of
X	Forestry and Fire Protection, Department of	X	Water Resources, Department of
	General Services, Department of		
	Health Services, Department of		Other:
X	Housing & Community Development		Other:
X	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date: August 19, 2022 Ending Date: October 3, 2022

Lead Agency (Complete if applicable):

Consulting Firm: MIG, Inc.
Address: 800 Hearst Avenue
City/State/Zip: Berkeley, CA 94710
Contact: Laura Stetson, AICP
Phone: 510-845-7549

Applicant: City of Clayton
Address: 6000 Heritage Trail
City/State/Zip: Clayton CA 94517
Phone: 925-673-7343

Signature of Lead Agency Representative: Dana Ayers Digitally signed by Dana Ayers Date: 2022.08.18 14:21:07 -07'00' **Date:** 8/18/2022

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

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5 – MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Clayton Housing Element Update Draft EIR. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AIR QUALITY						
Exposure of Sensitive Receptors to Substantial Pollutant Concentrations.	**MM AIR-1: Implement BAAQMD Basic Construction Mitigation Measures.** The City shall require new project development projects to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon	Project Proponent/Applicant	City of Clayton Community Development and Engineering Departments.	Prior to issuance of grading permits and throughout construction.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.					

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations.	**MM AIR-2: Prepare Project-level Construction Emissions Assessment.** The City shall require new projects requiring discretionary review to include a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis prior to the start of construction activities that shows project construction activities would not exceed BAAQMD project-level thresholds of significance. The analysis may rely on BAAQMD construction screening criteria to demonstrate that a detailed assessment of criteria air pollutant and toxic air contaminant construction emissions is not required for the project. If the project does not satisfy all BAAQMD construction screening criteria, the analysis shall estimate and compare construction criteria air pollutant and toxic air contaminant emissions against the project-level thresholds of significance maintained by the Bay Area Air Quality Management District (BAAQMD) and, if emissions are shown to be above BAAQMD thresholds, the implement measure to reduce emissions below BAAQMD thresholds. Mitigation measures to reduce emissions could include, but are not limited to: • Watering exposes surfaces at a frequency adequate to maintain a minimum soil moisture content of 12 percent, as verified by moisture probe or lab sampling; • Suspending excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour;	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to discretionary project approval.		

	• Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime); • Installing wind breaks that have a maximum 50 percent air porosity; • Restoring disturbed areas with vegetative ground cover as soon as possible; • Limiting simultaneous ground-disturbing activities in the same area at any one time (e.g., excavation and grading); • Scheduling/phasing activities to reduce the amount of disturbed surface area at any one time; • Installing wheel washers to wash truck and equipment tires prior to leaving the site; • Minimizing idling time of diesel-powered construction equipment to no more than 2 minutes or the shortest time interval permitted by manufacturer's specifications and specific working conditions. • Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter); • Requiring that all construction equipment, diesel trucks, and generators be equipped with Best					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	Available Control Technology for emission reductions of NOx and PM; • Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and • Applying coatings with a volatile organic compound (VOC) that exceeds the current regulatory requirements set forth in BAAQMD regulation 8, Rule 3 (Architectural Coatings).					
Cause Substantial Adverse Cumulative Air Quality Impacts.	See Mitigation Measures AIR-1 and AIR-2, above.	Project Proponent/Applicant	City of Clayton Community Development and Engineering Departments.	Prior to issuance of grading or building permits and throughout construction. Prior to discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
CULTURAL RESOURCES						
Cause Substantial Adverse Change in the Significance of an Archaeological Resource	**MM CUL-1:** Prior to the issuance of a grading permit, the grading plan shall include a requirement (via notation) indicating that if cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City, at the expense of the project applicant, shall retain the services of a qualified archaeologist and/or qualified tribal monitor for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist and/or tribal monitor shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the archaeologist and/or tribal monitor, shall not be allowed until the preceding steps have been taken.	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to issuance of grading permits and throughout grading or other land disturbing activities.		
Disturbance of Human Remains	**MM CUL-2:** Pursuant to State Health and Safety Code Section 7050.5(c) and State Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the vicinity of the find, and the Contra Costa County	Project Proponent/Applicant	City of Clayton Community Development and Engineering Departments.	During grading and construction.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the Most Likely Descendant (MLD). The MLD shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work shall not take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist at the applicant's expense, until the preceding actions have been implemented.					
GEOLOGY AND SOILS						
Directly or Indirectly Destroy a Unique Paleontological Resources.	**MM GEO-1**: In the event that fossils or fossil-bearing deposits are discovered during grading or construction of the Project, excavations within 50 feet of the find shall be temporarily halted until the discovery is examined by a qualified paleontologist, in accordance with the applicable Society of Vertebrate Paleontology standards (Standard Procedures for the Assessment and Mitigation of adverse Impacts to Paleontological Resources, Society of Vertebrate Paleontology, 2010), and assessed for significance under CEQA. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find	Project Proponent/Applicant	City of Clayton Community Development and Engineering Departments.	During grading and construction.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.					
GREENHOUSE GAS EMISSIONS						
Generation of Greenhouse Gases that May Have a Significant Impact on the Environment.	**MM GHG-1: Prohibit Natural Gas Plumbing and Appliances in New Housing Sites.** The City shall prohibit natural gas plumbing and the use of natural gas appliances such as cook tops, water heaters, and space heaters in all new housing site developments. Upon request by the project developer, exceptions to this prohibition may be allowed in the following instances: • Accessory dwelling units constructed on a parcel with an existing residential building with gas infrastructure. • Newly constructed buildings with a valid planning entitlement or other effective development agreement approved prior to the date of certification of this EIR. • It can be demonstrated there is no commercially available technology capable of meeting the specific appliance or building system application. Projects subject to the above exceptions shall provide the necessary infrastructure	City of Clayton	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	to support future electrification of appliances and building systems. This prohibition on natural gas plumbing and natural gas appliances shall cease if and when the City adopts a ZNE ordinance per Mitigation Measure GHG-2.					
Generation of Greenhouse Gases that May Have a Significant Impact on the Environment.	**MM GHG-2: Consider Adoption of a Zero Net Energy Ordinance.** Within one year of the adoption of the HEU, the City shall complete an evaluation on the feasibility of adopting an ordinance that amends the City's Municipal Code to require all new residential and/or non-residential development subject to Title 24, Part 6 of the California Building Code to achieve Zero Net Energy (ZNE) standards. If the City finds ZNE technology, programs, and/or other strategies are feasible and cost-effective, the City shall adopt a ZNE ordinance as expeditiously as possible given City resources. As defined by the California Energy Commission (CEC), ZNE standards require the value of the net energy produced by project renewable energy resources to equal the value of the energy consumed annually by the project, using the CEC's Time Dependent Valuation. In the event the City adopts a ZNE ordinance, Mitigation Measure GHG-2 would no longer apply to housing site projects in the City.	City of Clayton	City of Clayton Community Development Department.	Within one year of adoption of the Housing Element Update.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Generation of Greenhouse Gases that May Have a Significant Impact on the Environment.	**MM GHG-3: Residential Electric Vehicle and Bicycle Parking Requirements.** The City shall require new residential housing sites to comply with the Tier 2 electric vehicle charging and bicycle parking requirements in the latest edition of the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the City. Currently, the 2019 CalGreen code, Section A4.106.8, Electric Vehicle Charging for New Construction, and Section A4.106.9, Bicycle Parking, require the following measures to facilitate the future installation and use of electric vehicle chargers and bicycle travel: ● New one and two-family dwellings and townhouses with attached private garages include a dedicated 208/240-volt branch circuit rated at 40 amperes minimum. ● New multi-family dwellings provide 20 percent of the total number of parking spaces on a building site be electric vehicle charging spaces capable of supporting future electric vehicle supply equipment. ● New multi-family buildings provide on-site bicycle parking for at least one bicycle per every two dwelling	City of Clayton	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	units, with acceptable parking facilities conveniently reached from the street.					
Generation of Greenhouse Gases that May Have a Significant Impact on the Environment.	**MM GHG-4: Non-Residential Electric Vehicle and Bicycle Parking Requirements.** The City shall require new commercial development included as part of mixed-use housing sites to comply with the Tier 2 bicycle accommodations, clean air vehicle parking, and electric vehicle charging requirements in the latest edition of the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the City. Currently, the 2019 CalGreen code, Section A5.106.4.3, Changing Rooms, Section A5.106.5.1, Designated Parking for Clean Air Vehicles, and Section A5.106.5.3, Electric Vehicle Charging, require the following measures to facilitate bicycle travel, clean air vehicles, and the future installation and use of electric vehicle chargers: ● Non-residential buildings with more than 10 tenant-occupants provide changing/shower facilities for tenant-occupants in accordance with Table A5.106.4.3 of the CalGreen code. ● Non-residential development involving the installation, addition,	City of Clayton	City of Clayton Community Development Department.	Prior to discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	or alteration of 10 or more vehicular parking spaces provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles pursuant to Table A5.106.5.1.2 of the CalGreen code. ● Non-residential development shall provide electric vehicle charging spaces capable of supporting electric vehicle supply equipment pursuant to Table A5.106.5.3.2 of the CalGreen code.					
Generation of Greenhouse Gases that May Have a Significant Impact on the Environment.	**MM GHG-5: Require a Project-level Greenhouse Gas Emissions Assessment for Housing Site Projects.** The City shall require development projects that are determined not to be categorically exempt from CEQA, and that require the quantitative VMT assessment required by Mitigation Measure VMT-1, to submit a project-level greenhouse gas (GHG) emissions analysis. The GHG emissions analysis shall evaluate the project's consistency with adopted state-wide GHG emissions reduction goals using the latest guidance and recommendations from the Bay Area Air Quality Management District, or another accepted methodology. If the project's GHG emissions could interfere with state-wide GHG emission reduction goals, mitigation shall be identified and implemented to reduce emissions.	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	Mitigation measures to reduce GHG emissions could include, but are not limited to: ● Increasing the energy efficiency of the proposed building(s) (e.g., identifying building practices that go beyond CalGreen Code standards, identifying specific energy efficient appliances, etc.); ● Incorporating on-site renewable energy generation into project-design; ● Reducing the quantity of parking provided by the proposed development; ● Reducing indoor and outdoor potable water consumption; and ● Increasing solid waste diversion rates.					
Conflict with an Applicable Plan, Policy or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases	**See Mitigation Measures GHG-1 through GHG-5, above.**	City of Clayton Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to issuance of construction permits. Prior discretionary project approval.		
Cause Substantial Adverse Impacts	**See Mitigation Measures GHG-1 through GHG-5, above.**	City of Clayton	City of Clayton Community	Prior to issuance of construction permits.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
with Respect to Greenhouse Gas Emissions		Project Proponent/Applicant	Development Department.	Prior discretionary project approval.		
HAZARDS AND HAZARDOUS MATERIALS						
Exposure of People or Structures to Wildfire.	**MM HAZ-1:** The City shall determine if it will prepare an update to its Local Hazard Mitigation Plan (LHMP) or cooperate with Contra Costa County in an update to its Emergency Operations Plan (EOP). This update must address the evacuation planning and coordination directives outlined in SB 99 and AB 747 as they apply to the City. The selected update shall address areas of the City or its Planning Area that have high fire risks and identify adequate evacuation routes with ongoing maintenance needs and operational and public education needs to support use of these routes during emergency conditions. The City shall decide which document update is most appropriate for the City within 90 days of adoption of the HEU.	City of Clayton Project Proponent/Applicant	City of Clayton Community Development Department.	Within 90 days of the adoption of the Housing Element Update.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
NOISE						
Exposure to Noise Levels in Excess of Standards.	**MM NOI-1: Reduce Potential Housing Site Development Construction Noise Levels.** To reduce potential noise levels from construction activities pursuant to the HEU, the City shall require that future development projects subject to discretionary approval comply with the following: *1)Notify Residential and Commercial Land Uses of Planned Construction Activities.* This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the Project, and include the name and phone number of the designated contact for the Applicant/project representative and the City of Clayton responsible for handling construction-related noise complaints (per Section 7). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 500 feet of construction work areas; and B) The owner/occupants of commercial buildings (including institutional buildings) within 100 feet of work areas or within 400 feet of construction work areas if pile driving equipment will be used. *2)Restrict Work Hours.* Construction-related work activities, including material	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to discretionary project approval (Include as project conditions of approval). Preparation and City signoff on Construction Noise Plan prior to issuance of grading permits.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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	deliveries, shall be subject to the requirements of City Municipal Code Section 15.01.101. Construction activities, including deliveries, shall occur only during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized in writing by the City Engineer or designee or other project conditions of approval. If such authorization is granted, construction-related work activities shall still conform to the requirements of General Plan Policy 3b., which limits construction activities to the hours 7:00 a.m. to 5:30 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends when adjacent neighbors are affected. The applicant/project representative and/or its contractor shall post a sign at all entrances to the construction site informing contractors, subcontractors, construction workers, etc. of this requirement. *3)Control Construction Traffic and Site Access.* Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid local roads in the City that contain residential dwelling units as much as possible unless an alternative route that provides access to the specific project location is not available. *4)Construction Equipment Selection, Use, and Noise Control Measures.* The following measures shall apply to construction equipment used to develop					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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	housing sites: A)Contractors shall use the smallest size equipment capable of safely completing work activities. B)Construction staging shall occur as far away from residential and commercial land uses as possible. C) All stationary noise-generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from sensitive receptor locations as practical. Shielding may consist of existing vacant structures or a three- or four-sided enclosure provide the structure/barrier breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operations. D) Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. These devices shall be maintained in accordance with manufacturer's recommendations during active construction activities. E) Pneumatic tools shall include a noise suppression device on the compressed air exhaust. F) The applicant/project representative and/or their contractor shall connect to existing electrical service at the site to avoid the use of stationary power generators unless electrical service is					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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	not available or the electricity provider indicates service cannot be provided. G)No radios or other amplified sound devices shall be audible beyond the property line of the construction site. *6)Implement Construction Activity Noise Control Measures:* The following measures shall apply to construction activities in the Plan Area: A) Demolition: Activities shall be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings, and methods that minimize noise and vibration, such as sawing concrete blocks and prohibiting on-site hydraulic breakers, crushing, or other pulverization activities, shall be employed when activities occur adjacent to sensitive residential areas. B) Demolition Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities within 500 feet of a residential dwelling unit or 400 feet of a commercial building (including institutional buildings), a 6-foot tall physical noise barrier shall be installed and maintained around the work site perimeter to the maximum extent feasible given site constraints and access requirements. Physical barriers shall consist of a solid material (i.e., free of openings or gaps other than weep holes) that has a minimum rated					

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	transmission loss value of 20 dB. The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site). C) Pile Driving: If pile driving activities are required within 500 feet of a residential dwelling unit or 400 feet of a commercial building, the piles shall be pre-drilled with an auger to minimize pile driving equipment run times. *7)Prepare a Construction Noise Complaint Plan.* The Construction Noise Complaint Plan shall: A) Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues; B) Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints; C) At a minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint; D) The elements of the Construction Noise Complaint Plan may be included in the project-specific noise evaluation prepared					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	to satisfy Section 7 or as a separate document.					
Cause a Substantial Adverse Cumulative Impact with Respect to Noise.	**See Mitigation Measure NOI-1, above.**	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior to discretionary project approval (Include as project conditions of approval). Preparation and City signoff on Construction Noise Plan prior to issuance of grading permits.		
TRANSPORTATION						
Conflict or Be Inconsistent with CEQA Guidelines section 15064.3, Subdivision (b).. Cause a Substantial Adverse Cumulative Impact with	**VMT-1:** The Project shall implement the following VMT Reduction Measures: • Individual housing project development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods applied in this EIR, with modifications if appropriate based on future changes to City of Clayton practices and CCTA	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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Respect to Transportation.	VMT analysis methodology guidelines. Projects which result in a significant impact shall include travel demand management measures and physical measures to reduce VMT, including, but not limited to, the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Project developers may substitute any of the measures listed below with one or more alternative measures; provided, that any substitute measures would reduce GHG from VMT in an amount that is equal to or greater than the reduction achieved by the measure being replaced, and the amount of the reduction is supported by evidence. Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. In addition, application of one or more of the measures below is generally expected to result in a net VMT reduction of 10 percent or less for development projects in suburban settings such as Clayton:					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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	○ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. ○ Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. ○ Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.					
Cause a Substantial Adverse Cumulative Impact with Respect to Transportation.	**See Mitigation Measure VMT-1, above.**	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
UTILITIES AND SERVICE SYSTEMS						
Relocation or Construction of New or Expanded Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Communications Facilities.	**MM UTL-1: Water Demand Management.** Prior to receiving entitlements for new residential development under the Housing Element Update, project applicants must contact the CCCWD and obtain confirmation that adequate water service can be provided and adequate water supplies are available consistent with their latest Urban Water Management Plan. If the CCCWD indicates it cannot guarantee water supplies for the new development, or the project involves an increase over planned development (i.e., General Plan Amendment or Rezoning) to a use or uses that would consume more water than under the current General Plan and zoning, then the development must implement one or more of the following water conservation measures to the degree necessary to achieve the level of water use that would have occurred under the current General Plan and/or zoning designation(s): • Install appliances and plumbing that exceed current State Green Building Code water conservation requirements (i.e., those "current" at the time of application). Examples include but are not limited to low or dual flush toilets, composting toilets, high efficiency washing machines,	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	shower timers, low-flow faucet and shower aerators, insulate water pipes, etc.; • Prohibit installation of a swimming pool or allow only a spa; • Prohibit installation of water-consuming landscape features (fountains, ponds, etc.); • Prohibit installation of turf and promote individual gardens; • Install all hardscape or all xeriscape (drought-tolerant) plants; • Install only highly efficient drip irrigation systems - do not allow installation of any overhead sprayers or aerial sprinkler systems; • Install rain barrels or other rain storage systems to reduce demand on domestic water needed for landscaping; • Evaluate feasibility of installing grey water collection and recycling system, and install the system if feasible; and • For a General Plan Amendment or Rezoning, the project must demonstrate that it would exceed state and/or regional water conservation requirements sufficient to achieve water use that would have occurred under the existing land use and zoning designations.					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	Projects are not limited to this list but can recommend additional improvements or systems as appropriate to maximize water conservation. A project must identify the water conservation measures to be implemented with the project prior to entitlement and must demonstrate full compliance with this measure, including installation of specified improvements, prior to receiving a certificate of occupancy. This measure shall be implemented to the satisfaction of the City Planning Department.					
Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development.	**See Mitigation Measure UTL-1, above.**	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior discretionary project approval.		
Cause a Substantial Adverse Cumulative Impact with Respect to Utilities and Service Systems.	**See Mitigation Measure UTL-1, above.**	Project Proponent/Applicant	City of Clayton Community Development Department.	Prior discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
WILDFIRE						
Exposure of Project Occupants to Pollutant Concentrations from a Wildfire.	**MM HAZ-1:** The City shall determine if it will prepare an update to its Local Hazard Mitigation Plan (LHMP) or cooperate with Contra Costa County in an update to its Emergency Operations Plan (EOP). This update must address the evacuation planning and coordination directives outlined in SB 99 and AB 747 as they apply to the City. The selected update shall address areas of the City or its Planning Area that have high fire risks and identify adequate evacuation routes with ongoing maintenance needs and operational and public education needs to support use of these routes during emergency conditions. The City shall decide which document update is most appropriate for the City within 90 days of adoption of the HEU.	City of Clayton	City of Clayton Community Development Department.	Within 90 days of adoption of the HEU.		

Attachment 3

Draft EIR:
https://claytonca.gov/fc/community-development/housing/housing-element/DEIR_Clayton_6thCycle_HousingElement.pdf

Draft EIR Appendices:
https://claytonca.gov/fc/community-development/housing/housing-element/DEIR_Appendices_Clayton_6thCycle_HousingElement.pdf

Attachment 4

HCD Comment Letter with Annotated MIG/City Staff Comments

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

October 12, 2022

Dana Ayers, Director
Community Development Department
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Dana Ayers:

RE: City of Clayton's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Clayton's (City) draft housing element received for review on July 14, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on October 7, 2022 with you and your consultants Reina Schwartz and Laura Stetson. In addition, HCD considered comments from East Bay For Everyone, East Bay YIMBY, Greenbelt Alliance, YIMBY Law, South Bay YIMBY pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation, including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jamillah Williams, of our staff, at Jamillah.Williams@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF CLAYTON

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at https://www.hcd.ca.gov/hcd-memos. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks),* available at https://www.hcd.ca.gov/building-blocks and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Enforcement: While the element includes analysis of fair housing complaints, it must describe the City's compliance with existing fair housing laws and regulations. For additional information, please see pages 28-30 on HCD's AFFH Guidance Memo at https://www.hcd.ca.gov/community-development/affh/index.shtml.

   Regional Analysis: While the element analyzed components of the fair housing assessment and compared the City to neighboring and similar communities (i.e., Walnut Creek, Concord, Pleasant Hill), the element must analyze the City compared to the broader region and with nearby communities such as Unincorporated Contra Costa County (Bay Point), Antioch, and Pittsburg, and evaluate the disparities and differences in income, race, disparities in access to opportunity and other relevant components from the assessment of fair housing. Additionally, the element should supplement this analysis with local data and knowledge and other relevant factors (noted in the findin[1] below). Based on a complete analysis, the element must formulate meaningful a[ti]ns and programs in response to the analysis.

   Racially Concentrated Areas of Affluence (RCAA): The element includes some general analysis about whether parts of the City are considered an RCAA. However, HCD's fair housing data viewer indicates that the entire City is considered an RCAA. The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, county, and neighboring communities including the City's eastern neighbors. For more information, please visit: https://affh-data-resources-cahcd.hub.arcgis.com.

   Disparities in Access to Opportunity: While the element identifies and describes local and regional patterns and trends in disparities in access to opportunity for education, transit, economic, and environmental quality, it also must analyze disparities in access to opportunities for persons with disabilities. A complete analysis should include the

Summary of Comments on conClaytonDraftOut101222_MIGannotated_v2.pdf

Page: 3

Number: 1 Author: sbrekkeread Subject: Sticky Note Date: 11/17/2022 1:58:21 PM
Added action re webpage on p. 2-16

locally and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data and conclude with a summary of issues.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include an analysis demonstrating whether sites identified to accommodate the regional housing need allocation (RHNA) are distributed throughout the community in a manner that AFFH. In the analysis, the element concludes that the distribution of sites improves fair housing conditions because of identification of sites in high-resource areas. However, the element should discuss the location and magnitude of impact to evaluate AFFH. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity). The element should also discuss any isolation of the RHNA by income group and whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to mitigate this (e.g., anti-displacement strategies).

Local Data and Knowledge and Other Relevant Factors: As noted in the prior finding, the element must supplement the analysis and complement state and federal data with local data and knowledge to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers. Additionally, the element should analyze historical land use, zoning, governmental and nongovernmental spending including transportation investments, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices and mobility.

Contributing Factors to Fair Housing Issues: The element includes contributing factors to fair housing issues but should re-evaluate and prioritize these factors based on a complete analysis to better respond to the fair housing issues.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies program(s) to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address AFFH requirements. Furthermore, the element must include quantifiable metrics and milestones for evaluating progress on programs, actions, and fair housing results. Programs must generally address enhancing housing mobility, increasing housing opportunities in high resourced areas, place-based strategies for community revitalization, and addressing displacement risks. Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues.

For your information, while the element still needs to include a complete analysis, based on the current information, relative to the City's eastern neighbors and the broader County and region, the City is considered a higher resourced, higher-income, and racially homogenous (majority white population) community. As such, the element

should focus on strong programs and actions that enhance housing mobility and encourage development of more housing choices and affordable housing in an inclusive manner.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Progress in Meeting the RHNA: The element identified 109 units that have been approved, entitled or under construction for lower and moderate-income households. Specifically, the element includes "The Olivia Project" to accommodate seven lower-income RHNA units. However, the element must demonstrate the affordability of this project through actual or anticipated rents or sales prices or other mechanism ensuring affordability such as inclusionary requirements or deed restrictions.

   Availability of Zoning: HCD understands that zoning for multifamily parcels (M-R-M and M-R-H) is inconsistent or does not have a corresponding General Plan land use designation. The City acknowledges that these inconsistencies require projects to apply for a general plan text amendment and a rezone request to implement the appropriate zoning and densities. While the element includes a program to address this inconsistency, for your information, for sites expected to accommodate the City's lower-income RHNA, if zoning is not in place by the beginning of the planning period (January 31, 2023), the element must include a program committing to adopting zoning changes and comply with requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).

   Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction. For example, the City surveyed recently approved projects as a part of its methodology, but the element should identify and describe each of those projects to support residential capacity assumptions. For additional information, see the Building Blocks at https://www.hcd.ca.gov/analysis-of-sites-and-zoning.

   Additionally, the inventory lists a number of sites in nonresidential zones. For sites with zoning that allows 100 percent nonresidential uses (e.g., commercial and mixed-use zones), the calculation of residential capacity must account for the likelihood of 100 percent nonresidential uses. The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Page: 5

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:14:02 PM -07'00'
We stated they are deed restricted.

Author: lstetson Subject: Sticky Note Date: 10/28/2022 4:02:51 PM -07'00'
Done.

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:14:49 PM -07'00'
This is an FYI comment of which we are aware.

Author: lstetson Subject: Sticky Note Date: 10/28/2022 4:12:49 PM -07'00'
Added language to Program D-1. Program D-2 already addresses GC 65583.2, h, i.

Number: 3 Author: lstetson Subject: Sticky Note Date: 10/29/2022 1:32:06 PM -07'00'
Table 5-4 has been added to show other CCC communities.

Nonvacant Sites: The element must demonstrate the potential for redevelopment on nonvacant sites. To address this requirement, the element notes some general criteria utilized for some but not all the identified nonvacant sites. For example, for some sites, the element notes where there is owner/developer interest. Additionally, the element includes a statement that sites have been chosen due to their location, existing uses, and potential for intensification. This statement should be supported by analysis. First, the element must clearly state the methodology used for identifying nonvacant sites, including describing all criteria. Second, to facilitate an analysis of redevelopment potential, the element should reflect the criteria in the actual sites inventory. For example, the element can list the various criteria utilized on a site-by-site basis. Third, the element must support the validity of the criteria, utilize other criteria, or remove sites if appropriate. For example, the element can discuss previous sites that shared similar characteristics to the methodology and were redeveloped in multifamily housing.

Further, the element must analyze the extent that existing uses may impede additional residential development. The element also indicates that some sites are partially vacant including Sites T, N, and F. For your information, if a site has an existing use, it is considered nonvacant. This information must be reconciled in the element and sites inventory. To analyze the extent the existing use may impede additional residential development, the element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified.

In addition, based on the sites inventory, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, if the element utilizes sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy must meet the requirements set forth in Government Code section 65915, subdivision (c) (3).

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the element describes other evidence demonstrating the suitability of these sites. The element is assuming lot consolidation for several smaller sites to accommodate a range of income levels including lower-income households. While the element mentions lot consolidation to facilitate development on these sites, it must

Page: 6

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/29/2022 2:35:57 PM -07'00'
We have added clear correlations in the tables.

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/29/2022 2:36:40 PM -07'00'

Number: 3 Author: lstetson Subject: Sticky Note Date: 10/29/2022 1:48:34 PM -07'00'
New Program K added for Replacement Housing Policy

include an analysis to support this assumption. For example, the element must describe circumstances or criteria used to identify suites suitable for lot consolidation such as common ownership; the City's role or track record in facilitating small-lot consolidation; policies or incentives offered or proposed to encourage and facilitate lot consolidation; specific examples of projects that were built for lower-income households on similarly sized sites, densities and affordability and relate those examples back to the sites inventory. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small sites.

Previously Identified Nonvacant and Vacant Sites: Nonvacant sites identified in the prior planning period or vacant sites identified in two or more consecutive planning periods are inadequate to accommodate housing for lower-income households unless the element includes a program that requires rezoning within one or three years (whichever is applicable) of the beginning of the planning period to allow residential use at appropriate densities by right for housing developments in which at least 20 percent of the units are affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).) While the element cites the government code related to sites identified in the previous planning period, it must clearly indicate which sites were identified in previous planning periods and include a program as appropriate. 1

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to accommodate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 20 units per acre for Clayton), this analysis is not required (Section 65583.2(c)(3)(B)). The element identifies Site B (Silver Oaks) in the inventory to accommodate a portion of the City's lower-income RNHA; however the allowable density is five units per acre. A density of five units per acre will not be found appropriate to accommodate housing for lower-income households. The element must either remove the site from accommodating the lower-income RHNA or add a program to rezone the site at appropriate densities. 2

Accessory Dwelling Units (ADU): The element is projecting 32 ADUs for an average of 4 ADUs per year over the eight-year planning period to accommodate a portion of its RHNA. The projections are based off ADU building permit trends. Specifically, the element states that the City permitted 7 ADUs over the last four years averaging roughly 2 ADUs per year. However, HCD's records indicate that the City did not report ADU data for 2018 and 2019 and reported 3 ADUs in 2020 and 2 in 2021, averaging no more than 2 ADUs per year. First, to utilize past ADU permit data, the City must submit Annual Progress Reports for 2018 and 2019. Second, the City's past performance on permitting ADUs do not support a two-fold increase. The element must reconcile these figures and adjust assumptions based on a realistic estimate of the potential for ADUs and include strong policies that commit to incentivizing ADUs. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. If necessary, additional actions, should be taken in a timely manner (e.g., within six months). The degree of additional actions should be in stride with the degree of the gap in production and 3

Page: 7

Number: 1 Author: lstetson Subject: Sticky Note Date: 11/17/2022 1:59:12 PM
The sites map shows sites under these criteria.

Number: 2 Author: lstetson Subject: Sticky Note Date: 11/17/2022 2:00:33 PM
We explained this in the call with HCD. THe text has been augmented to make it abundantly clear that some are inclusionary units.

Number: 3 Author: lstetson Subject: Sticky Note Date: 11/17/2022 4:03:29 PM
Described how they are being used to meet inclusionary requirements. Used 2022 ADU data to bolster the argument. Try to stay at 32 total over 8 years.

affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Environmental Constraints: While the element generally describes environmental conditions that exist in the City (e.g., stormwater, earthquakes, flood), it must relate those conditions to the identified sites including any other known conditions or other environmental constraints that could impact housing development on identified sites during the planning period.

Availability of Infrastructure: While the element describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned total water and sewer capacity to accommodate the RHNA.

Zoning for a Variety of Housing Types:

- Multifamily Zoning: While the element analyzed most zones discussing allowable uses and development standards, it is relying entirely on sites zoned "PD" yet provides no discussion or analysis of the zoning. The element must discuss and analyze the PD zoning including listing allowable uses (p. 4-4) and applicable development standards and processes.
- Emergency Shelters: The element must describe compliance with Government Code section 65583, subdivision a)(4)(A) or include a program to comply with this requirement. For your information, pursuant to Government Code section 65583, subdivision a)(4)(A), parking requirements should be limited to allowing sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
- Permanent Supportive Housing: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.
- Employee Housing: In addition, the element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. The element must either demonstrate consistency with these requirements or include programs to amend zoning as appropriate. For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/farmworkers.
- Manufactured Housing: The element describes site plan review and design review requirements for mobile homes. According to state law, manufactured homes on a permanent foundation are to be allowed the in the same as single-

Page: 8

Number: 1 Author: lstetson Subject: Sticky Note Date: 11/3/2022 7:36:01 AM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:43:29 AM -07'00'
added language from EIR to constraints analysis (pp. 4-28-4-31)
+
added program to amend CMC Section 17.22.060 to exclude housing opportunity sites in most recent HE when calculating density on sensitive lands (p. 2-11)

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:20:43 PM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 5:15:25 PM -07'00'
Language added to constraints (p. 4-18/19)

Number: 3 Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:50:38 AM -07'00'
added analysis to constraints (pp. 4-10/11) + added to ZTA program (2-10/11)

Number: 4 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:21:07 PM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 8:01:50 AM -07'00'
added discussion in constraints (pp. 4-10/11) + added to ZTA program (pp. 2-10/11)

Number: 5 Author: lstetson Subject: Sticky Note Date: 10/25/2022 10:51:56 AM -07'00'
Address through ZC amendments

LC zone - Can't have use permit

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:52:13 AM -07'00'
added to ZTA program to make by right (p. 2-11) + added conclusion to constraints (p. 4-7)

Number: 6 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:22:18 PM -07'00'
Expand ZCA program

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:53:41 AM -07'00'
added new section to constraints (p. 4-6) + added to ZTA program (p. 2-11)

Number: 7 Author: lstetson Subject: Sticky Note Date: 10/25/2022 10:54:22 AM -07'00'
17.36.078

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:54:26 AM -07'00'
clarified in constraints (p. 4-6)

family homes. The element must demonstrate compliance with this requirement or add or modify programs.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should evaluate land use controls independently and cumulatively with other land use controls, the analysis should specifically address minimum unit sizes (e.g., 1,000-1800 square feet), lot coverage requirements and height limits. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. Based on a complete analysis, the element should include programs to address or remove the identified constraints. 1

   Local Permit and Processing Procedures: While the element included some discussion of permitting procedures and requirements, it must specifically analyze the use permit and site plan permit requirements. First, the element states that multifamily is allowed by-right; however the element also indicates that multifamily is subject to a development plan permit and site plan review which requires notification requirements to neighbors, public hearings, City Council and Planning Commission review and examining compatibility with surrounding uses – essentially a conditional use or exception process. For your information, subjecting multifamily housing to an exception process is considered a constraint. The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply (number of units), costs, timing, feasibility and approval certainty. For example, the analysis should consider level of review and actual approval findings. Secondly, the element listed several other permits but should evaluate those processes including the development plan permit, site plan review, and use permit. Lastly, the City requires a use permit for housing for 2 persons with disabilities (e.g., residential care facilities of seven or more). As referenced below, these procedures must be analyzed as potential constraints.

   The element also indicates that an affordable housing plan is required to implement the City's inclusionary requirement. It further states that the affordable housing plan including unit mixes and other requirements are subject to City Council discretion. The element must analyze this requirement for any potential constraints on housing supply, cost, feasibility and affordability.

   Design Review: The element references a number of specific plans that contain design review standards respective to each Specific Plan Area (SPA). The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria for each SPA, for their impact as potential 3

Page: 9

Number: 1 Author: lstetson Subject: Sticky Note Date: 11/17/2022 4:05:17 PM

This comment is generic. Developers are able to achieve densities allowed.

Are FARs and heights constraints? No.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 1:38:36 PM

added language to page 4-11
+ added to constraints re manufactured housing (constraint) on pp. 4-6/7 + added to ZTA program on p. 2-11

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:23:43 PM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 7:58:32 AM -07'00'

Added discussion/analysis to constraints (p. 4-6) + added to ZTA program (p. 2-11)

Number: 3 Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 1:47:49 PM

added language to pp. 4-18/19

constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate. In addition, the Housing Crisis Act of 2019 (SB 330, 2019) was signed by Governor Newsom on October 9, 2019 and became effective on January 1, 2020. The Housing Crisis Act (Gov. Code, § 66300), under specified conditions, suspends the use of subjective design standards.

The element should evaluate its design review process for consistency with these requirements and include actions as appropriate. For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/processing-permitting-procedures.

Fees and Exactions: The element indicates that the City imposes either the same fee costs for both multifamily and single-family housing or for certain fees, multifamily fees are more expensive than fees for single family developments. The element should closely evaluate these fees, including disproportionate impacts on housing types such as multifamily and include programs that specifically address and mitigate this constraint. For additional information and a sample analysis and tables, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml.

Zoning and Fees Transparency: While the element states that the City offers a development handbook to applicants that provides an overview of its development approval process, it must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to establish written procedures, if necessary.

Local Ordinances: The element must specifically identify and analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development.

On/Off-Site Improvements: While the element lists the types of improvements required for development, it must identify actual subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/codes-and-enforcement-of-onsite-offsite-improvement-standards.

Page: 10

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:37:57 AM -07'00'

Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:38:21 AM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 5:40:15 PM -07'00'
added to constraints (p. 4-15) + added language to existing program (p. 2-11)

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/25/2022 11:13:43 AM -07'00'
City has no STR.

Author: sbrekkeread Subject: Sticky Note Date: 11/3/2022 5:33:47 PM -07'00'
Added language to constraints (p. 4-11)

Number: 3 Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 8:50:48 AM
added discussion to p. 4-4 - no constraints; similar to other jurisdictions

Constraints on Housing for Persons with Disabilities –

- *Residential Care Facilities of Seven or More*: The element indicates that this use is permitted as a commercial use, allowed only with a use permit, requires that these uses are 1,000 feet apart from each other, and must provide parking spaces beyond the required spaces of a typical single-family home. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, parking requirements, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or conditional use permit (CUP) could potentially subject housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element must analyze these standards as potential constraints for housing persons with disabilities and include a program to mitigate or remove constraints. In addition, the element must address how the City permits and allows unlicensed group homes of seven or more.
- *Definition of Family*: The element stated that the City revised its definition of family; however, the element must specifically describe and evaluate the actual definition for impacts on housing for persons with disabilities.
- *Reasonable Accommodation*: While the element stated that the City does utilize a reasonable accommodation process, it must include a discussion and analysis of the timing, process, fees, and approval findings for a reasonable accommodation for any potential constraints on persons with disabilities. Based on a complete analysis, the element may need to include a program to mitigate or remove constraints.

4. *Analyze existing assisted housing developments that are eligible to change to nonlow-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

   The element must identify public and private nonprofit corporations (qualified entities) known to have the legal and managerial capacity to acquire and manage at-risk units. For a list of qualified entities, please visit: https://www.hcd.ca.gov/policy-and-research/preserving-existing-affordable-housing.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

   Special Needs Households: While the element includes data and a general discussion of housing challenges faced by special needs households, it still must provide an analysis of the existing needs and resources for each special needs group including

Page: 11

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:24:57 PM -07'00'
Every city is getting this comment.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 2:04:30 PM
added language (p. 4-6, 9) to constraints + added to ZTA program (p. 2-11)

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:39:04 AM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 5:24:34 PM
added verbiage to p. 4-8/9 re time, fees, findings

Number: 3 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:40:06 AM -07'00'
City can send information to homeowners about organizations they can sell to, if they wish, to maintain affordability status.

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 5:25:24 PM
added program + timing to p. 2-14/15

seniors, farmworkers, persons with disabilities, and female-headed households. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

   To have beneficial impacts and meet the goals and objectives of the housing element, programs must have specific commitment and discrete timelines (e.g., at least annually or by a specified date). Programs must be revised to address these requirements. Examples include Programs A-1 Code Enforcement, B-1 Accessory Dwelling Units, B-2 Town Center Mixed-Use, B-3 Affordable Housing Development, E-1 Mortgage Programs, H-1 Funding Assistance, and H-2 Reasonable Accommodation, and J-3 Proactive Actions. For additional information, see the Building Blocks at https://www.hcd.ca.gov/program-overview-and-quantified-objectives.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (*Gov. Code, § *65583, subd. (c)(1).)*

   As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

   Shortfall of Sites: If the element does not identify adequate sites, including available zoning and development standards, to accommodate the RHNA for lower-income households, it must include a program(s) to specifically commit to rezoning sites pursuant to Government Code section, 65583.2, subdivisions (h) and (i). While the

Page: 12

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:40:59 AM -07'00'

Number: 2 Author: lstetson Subject: Sticky Note Date: 10/20/2022 12:26:37 PM -07'00'
Several of these are legitimately "ongoing", but HCD wants dates certain.

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 6:02:39 PM
added specific timeframes

Number: 3 Author: lstetson Subject: Sticky Note Date: 11/17/2022 4:06:50 PM
Strengthened language regarding planned rezoning and City's commitment to do it immediately following HE adoption (and within the one year dictated by statute).

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 2:22:43 PM
Laura updated - p. 2-10

Number: 4 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:43:24 AM -07'00'
Beef up program language.

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 5:27:37 PM
added to p. 2-10 immediately following the adoption of the housing element, the City will move forward on the GPAs and ZTAs

element includes a rezoning program, it does not appear to meet these requirements. For example, the program should:

- Identifying acreage, allowable densities, and anticipated units.
- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.
- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:
    - allow 100 percent residential use, and
    - require residential use occupy 50 percent of the total floor area of a mixed-use project.

For additional information, see the Building Blocks' at https://www.hcd.ca.gov/identify-adequate-sites.

City-Owned Sites: The element identified City-Owned sites to accommodate a portion of the RHNA. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule of actions to facilitate development. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing, financial assistance, completing entitlements and issuing building permits.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding A3, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   Program to AFFH: While the element includes Programs J-1, J-2, and J-3 to address fair housing issues in Clayton, these programs do not address priorities discussed in the AFFH section and do not appear intended toward a significant beneficial impact during the planning period. For your information pursuant to Government Code section

Page: 13

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:46:33 AM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 6:41:05 PM
added text to 2-8/9

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 5:29:38 PM
added on p. 2-8 at such time that the City declares land surplus, City will proactively seek an affordable housing developer

Number: 2 Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 2:56:39 PM
done

Number: 3 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:46:53 AM -07'00'

Author: sbrekkeread Subject: Sticky Note Date: 11/9/2022 5:48:09 PM
added program to seek out developers who cater to disabled population - p. 2-13
added exploring universal design for ADU preapproved plans - p. 2-14

Author: sbrekkeread Subject: Sticky Note Date: 11/10/2022 12:26:57 PM
Dana - we may beef up language after Sasha completes added AFFH language; in the meantime, added sentence to Fair Housing section, p 2-16 (all housing in Clayton affirmatively furthers fair housing)

8899.50 “Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, AFFH means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to AFFH extends to all public agency’s activities and programs relating to housing and community development.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

   As noted in Finding A4, the element identifies five units at-risk of converting to market-rate uses in the planning period. While Program I-1 (Monitor and Provide Options) will monitor units, the program must also go beyond “considering” amending Chapter 17.92 and extending affordability covenants” and specifically commit to these actions. The element must include a program that addresses preserving at-risk units and specifying actions to monitor at-risk units, including contacting property owners within at least one year of the affordability expiration dates on projects. The program for preserving at-risk units should include noticing requirements within 3 years and 12 and 6 months of the affordability expiration dates, in addition to coordinating with qualified entities such as nonprofit organizations and establish specific time parameters around such actions.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

   The element indicated that planning commission review for larger ADUs can be a constraint for the overall development of these units. As such the element stated that it will remove this constraint; however it did not include a program committing to remove this requirement. The element should be revised with an action to remove planning commission review of large ADU types.

   Additionally, while Program D-1 (General Plan Amendments) commits to amending the ADU ordinance to comply with state law, the element is required to include a program that actively incentivizes or promotes ADU development for very low-, low-, and moderate-income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, fee waivers and more. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.

Page: 14

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/27/2022 8:47:16 AM -07'00'
Okay.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 6:26:14 PM
added to pp.2-14/15

Number: 2 Author: lstetson Subject: Sticky Note Date: 11/17/2022 4:08:06 PM

Included program that ADU ordinance revision will remove requirement for PC review. New ord will include pre-approved plans and brochure.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 5:18:12 PM
added language on p. 4-6 + added timing to amendments by March 2023 on p. 2-9

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

While the element includes quantified objectives for new construction, rehabilitation, and conservation by income group, it could consider quantified objectives for conservation (beyond at-risk preservation). For your information, the quantified objectives do not represent a ceiling, but rather set a target goal for the City to achieve, based on needs, resources, and constraints.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element includes a general summary of the public participation process, it should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, participation in community workshops, and if translation services were provided. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element.

Page: 15

Number: 1 Author: lstetson Subject: Sticky Note Date: 10/25/2022 11:32:33 AM -07'00'

Red-tagged units: only about 2 every three years. So, conserve up to 2 annually.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 6:30:02 PM

done; added to p.2-18

Number: 2 Author: lstetson Subject: Sticky Note Date: 11/7/2022 5:23:50 PM

City has engaged with local churches, who do have outreach connections to under-represented communities. Also outreach to affordable housing developers.

Author: sbrekkeread Subject: Sticky Note Date: 11/7/2022 6:34:27 PM

summary + cross-referenced Public Participation chapter + added to the introduction

Attachment 5.1

Public Comments

Recommendation on the 6th Cycle Housing Element Update and
Related Land Use Element Amendments
Planning Commission Meeting, December 13, 2022

October 18, 2022
Dana Ayers (via email - DanaA@claytonca.gov)
Community Development Director
City of Clayton
6000 Heritage Trail

RE: Draft Housing Element Determination

Ms. Ayers,

East Bay for Everyone and the undersigned organizations write to provide comments on the City of Clayton's progress towards a compliant 6th Cycle Housing Element.

In light of HCD's recent request for revisions to the draft submitted July 14, 2022 we encourage you to reread the letters we sent on January 4th, 2022 and May 9th, 2022 (linked below) which highlighted many of the same issues that HCD cited in their review, specifically:

- Many sites on Clayton's draft inventory were also present in the 4th and 5th Cycle Housing Element Inventories, and therefore must be re-zoned for by-right approval as required by AB1397. From HCD, the city "must clearly indicate which sites were identified in previous planning periods and include a program as appropriate"
- Many sites are non-vacant and seem unlikely to be developed within the planning period. From HCD "the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period"

Clayton, like all cities in the Association of Bay Area Governments, is legally required to adopt a compliant Housing Element by January 31, 2023. We are concerned that Clayton is not on track to achieve this goal. There are many consequences of failing to adopt a compliant Housing Element on time. We would like to bring to your attention one such consequence, the Builder's Remedy. Pursuant to Gov't Code § 65589.5(d), if a jurisdiction does not have an adopted, compliant Housing Element, any developer can propose housing projects at any height or density on any parcel in the city so long as they contain 20% low income units, and the

jurisdiction cannot reject it unless there is a specific health or safety issue. If Clayton does not have an adopted, compliant Housing Element by Jan. 31, 2023, then on Feb. 1, 2023, developers can begin proposing Builder's Remedy projects.

In southern California, we are already seeing Builder's Remedy projects. In Redondo Beach, a developer has proposed a 2300-home project. Santa Monica has received fourteen Builder's Remedy project applications, including a 15-story 2000-unit building. HCD has recently written a memo saying that cities must approve these projects.

As we are seeing with Santa Monica, a jurisdiction cannot protect itself from already-filed applications by later coming into compliance. Santa Monica is now in compliance. Nonetheless, its 15-story building application cannot be rejected on the grounds of Santa Monica's eight story height limit; the developer applied for the project in the window where Santa Monica was out of compliance, and the application is now vested with the zoning standards applicable at the time of application.

We would like Clayton to retain control, by adopting and submitting a compliant Housing Element by the January 31, 2023 deadline.

We look forward to continuing to engage with the City of Clayton as it develops its plan to accommodate growth and inclusive development. If you are conducting meetings with community organizations to discuss the Housing Element this fall, we would love to take part.

Sincerely,
Maxwell Davis
East Bay for Everyone

Victor Flores
Greenbelt Alliance

Zac Bowling
East Bay YIMBY

Rafa Sonnefeld
YIMBY Law

cc: HousingElements@hcd.ca.gov

Link to January 4, 2022 letter:
https://eastbayforeveryone.org/wp-content/uploads/2022/04/2022-01-04-clayton-site-inventory-letter.pdf
Link to May 9, 2022 letter:
https://eastbayforeveryone.org/wp-content/uploads/2022/10/2022-05-09-clayton-eir.pdf

From: David Dolter
To: Dana Ayers
Cc: Grant Alvernaz
Subject: PEACOCK/OAKHURST - HUE & INCLUSION OF OAKHURST DRIVING RANGE PARCELS THEREIN
Date: Thursday, September 15, 2022 9:43:09 AM
Importance: High

Greetings… we'd like to reiterate or request that the city include the 4 parcels that comprise the driving range into the Housing Element Update as well as the other parcels we previously identified.

Happy to discuss further when we meet again.

Thanks and best regards…

David Dolter, Principal
REAL ESTATE DEVELOPMENT SOLUTIONS
925/766-6160

GREENBELT ALLIANCE

Clayton City Hall
6000 Heritage Trail
Clayton, CA 94517

Dear Mayor Peter Cloven, Vice Mayor Holly Tillman and City Council,

Thank you so much for the opportunity to review the Clayton Housing Element. There are many opportunities in this document to address the housing needs of Clayton and make a dent in the regional housing crisis while simultaneously combating climate change. Greenbelt Alliance and partner organizations have been working with cities around the region to provide input on Housing Element drafts in advance of the HCD reviewers. We have a few comments and specific goals and policy recommendations we would like to share with you as we also believe these are issues that HCD will also flag, so the earlier you can address them, the more seamless your process will be.

Comments

- **Nimby opposition should be listed as a constraint.** We reviewed the public survey comments, have attended city council meetings and understand that there is some pushback from community members who do not want more housing. HCD will likely require that NIMBY opposition is listed as a constraint. Clayton should implement a robust program regarding education of the benefits of new housing and the need for housing.
- **Constraints need mitigation efforts.** All constraints should list ways to mitigate said constraints.

Site Selection Comments

- **Housing on church land** - While we support the concept of housing on church land, we were concerned to see three church sites zoned for housing with no indication that these churches were planning on closing or relocating in the near future. G-downtown site adjacent the South Clayton community church seems like a great site but we are concerned about the likelihood of the South Clayton community church, Saint Johns Parish and Clayton Valley presbetarian church sites.
- **Building on park land -** It appears that a large portion of the housing units will be in the Easley Estates park. We think it is both unlikely that this would be built due to neighborhood concerns and think it is important to preserve valuable park land. We would like to encourage you to increase the density on additional lots in order to preserve or offset this site.

Thank you so much for considering these recommendations. We look forward to continuing to work with you to make the housing element as sustainable and resilient as possible. For additional policies please review the Housing section of the Resilience Playbook.

Regards,

Zoe Siegel, Director of Climate Resilience, Greenbelt Alliance
Victor Flores, Resilience Manager, Greenbelt Alliance

August 04, 2022

Dear Clayton City Council:

We are writing on behalf of **South Bay YIMBY** regarding Clayton's 6th Cycle Housing Element Update. As a regional pro-housing advocacy group, South Bay YIMBY works to ensure cities adopt housing elements that are fair, realistic, and lawful.

Per §8899.50(a)(1) of state code, Clayton's housing element must affirmatively further fair housing, which entails 'taking meaningful actions... that overcome patterns of segregation.'

The City of Clayton is uniquely positioned to affirmatively further fair housing, as Clayton is a wealthy, exclusionary city that researchers with the Othering and Belonging Institute at UC Berkeley identify as highly segregated from the rest of the Bay Area. This socioeconomic segregation is caused by the exclusionary cost of housing in your community, where an average home, as of April 30th, costs $1,470,000, which is only affordable to someone earning a salary of $258,000, meaning **only the richest 4% of households can afford to settle down in your community**. It is thus no coincidence that your city is 75% whiter than the rest of the Bay, as well as 68% less black than the rest of the Bay Area.

In a 2021 report entitled 'Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market,' economic advisors for the White House outline how exclusionary zoning, like yours, causes segregation. Your exclusionary zoning pushes low income children to live in less resourced areas, which begets worse life outcomes from health to income. The research is clear: exclusionary zoning violates your duty to further fair housing.

To take meaningful actions that overcome patterns of segregation, we recommend you:

1. **End apartment bans in high opportunity areas.** This will give middle and working class families the opportunity to share in the resources your rich neighborhoods enjoy. As of 2020, **your city banned apartments in over 95.4% of high opportunity residential areas**.

2. **Accommodate 1540 low income homes in your site inventory.** While substantially larger than the floor of 267 low income homes required by RHNA, 1540 is the number of homes required to bring the proportion of low income families in your city in line with the rest of the Bay Area. While this number is large enough to be politically challenging, it will always be politically challenging to overcome segregation, as AFFH requires.

Thank you,
Salim Damerdji, South Bay YIMBY
Keith Diggs, YIMBY Law
Jeremy Levine, Legislative and Political Director for Contra Costa Young Democrats

Real Estate Development Solutions

Project Management
Development Entitlements
Brokerage

June 18, 2022

Dana Ayers
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton CA 94517

Dear Ms. Ayers:

I represent the property owner, Empire Acres LLC ("Empire"), of the so-called "park and ride lot" (APN 118-370-073 – 2.546 acres). Empire also owns four parcels that comprise the driving range at Oakhurst Country Club: APN's 118-370-017 – 4.99 acres; 118-370-086 – 5.898 acres; 118-370-087 – 13.82 acres; 118-370-088 – 39.1 acres. Empire also owns the golf course maintenance parcel (APN 118-370-048 – 16.67 acres). Empire (and affiliated entities) owns and operates Oakhurst Country Club.

Regarding the "park and ride lot", we are preparing a for-sale townhouse development application and will submit it following completion of our internal site plan preparation process.

Regarding the driving range and maintenance parcels, we hereby confirm our approval of including these parcels for residential use in your current housing element update process. We believe, based on technological advances in golf course maintenance, operations, and the player experience, that these parcels and adjacent areas can be reconfigured to provide both housing opportunities and the golf experience the region has enjoyed for many years.

Be mindful that city density designations on any of these parcels do not necessarily dictate ultimate development proposals. Rather, then-current market conditions including buyer (or renter) requirements, mortgage interest rates, indeed, the overall economy, will guide future submittals.

Thank you for your consideration and feel free to contact me if there are any questions.

Sincerely,

David Dolter
REAL ESTATE DEVELOPMENT SOLUTIONS

cc: Grant Alvernaz

1824 Barsac Court
Brentwood CA 94513
DRE#00827562
ddolter@comcast.net
925/766-6160

TO: Planning Commission, Community Development Department, City of Clayton

FROM: The Bishop's Committee
St. John's Episcopal Church in Clayton, California

RE: Housing Element Comment

DATE: June 15, 2022

We write to provide public comment on the City of Clayton's Draft Housing Element (HE), on behalf of St. John's Episcopal Church in Clayton, California (St. John's Church). St. John's Church is a worship community within the Diocese of California, an ecclesiastical territory of the Episcopal Church in the United States of America (ECUSA).

The HE solicits community participation to guide its development, including extensive stakeholder interviews and community workshops (HE, pp. 8-1, 8-2[1]). The HE correctly sets forth the considerable challenges in developing housing policies and goals in Clayton, including issues with affordability and the geological character of the area (pp. 2-1, 2-2). St. John's Church is proud to be a "religious institution[ ] that ha[s] expressed interest in developing housing on portions of [its] property." (p. 2-3.)

In early 2022, St. John's Church fully merged its worship community with that of St. Michael and All Angels Episcopal Church in Concord, thereby allowing the St. John's Church land to be developed further. St. John's Church is currently working with a consulting firm to consider the best manner and means to develop the church property to effectuate its missional goals of good community stewardship. The leading idea is for the church property to be developed for housing purposes, although it is too early to state definitively whether the housing would be exclusively or partially devoted to lower income households, seniors, or the like.

The HE proposes several legislative and other policy goals to more easily facilitate the development of housing in Clayton during the 2023–2031 cycle. Of particular note to St. John's Church are the following proposals:

1. Pass a General Plan Land Use Element amendment "to allow for residential development within a density range of 10.1 to 30 units per acre, and at a minimum density of 20 units per acre where religious assembly uses already exist." (p. 2-9)

2. "Establish a Religious Institutional Overlay zone or similar mechanism to allow residential development on properties with an established religious use at a minimum density of 20 units per acre." (p. 2-10)

---

[1] All subsequent undesignated page citations are to the HE.

3. "Establish a zoning overlay or other mechanism to allow affordable housing developments at a maximum density of 40 units per acre on properties occupied by a religious institution." (p. 2-10)

St. John's Church supports the above proposals, as well as any other and further proposals from the City that would allow the St. John's Church site to be more efficiently developed for multi-dwelling residential purposes. Furthermore, St. John's Church asks that the City keep it involved in the ongoing dialogue regarding the HE and the availability of housing in Clayton.

Sincerely,



Jim McDougald
Senior Warden
St. John's Episcopal Church, Clayton, California

Cc: Audrey Miskelley, Interim Vicar

From: William P. Jordan
To: Dana Ayers; Janet Calderon
Subject: Housing Element Item on Agenda
Date: Tuesday, May 24, 2022 4:59:21 PM

Please consider adding 6530 and 6500 Marsh Creek Rd. to have 30 units as you have done to 6470 Marsh Creek Rd.

Also, the commission should know construction documents for all three building permits are finished and Dana has received architectural and landscape last week for her review.

Once approved, we'll submit to county.

Btw, its dicey down at the county building department for permits and we are hopeful to get them by deadline.

Time is of the essence for our submittals.

Sent from my iPhone

From: T Cianfrano
To: Housing Element
Subject: New Housing Element requirements
Date: Friday, May 20, 2022 9:00:00 AM

Much as been said about the impact of adding 560 units in this round of the housing element. For the most part, the impacts have focused on traffic, air quality, fire escape routes, etc . No one has addressed the impact on the water supply to support this and other proposed growth. The only factor considered is the need for “affordable” housing. These homes can be built much faster than infrastructure components.

All indications is that the drought will continue and in fact, worsen due to climate change. What is being done to address “ALL” impacts?

Sent from Mail for Windows

May 9, 2022
Dana Ayers (via email - DanaA@claytonca.gov)
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

To Whom It May Concern,
East Bay for Everyone and the undersigned organizations write to provide comments on the City of Clayton's progress towards a draft 6th Cycle Housing Element and following up on our January 4th letter(linked below).

The previous letter described site-specific feedback and concerns. **We have not yet received a response to that letter** and the city has proceeded with the EIR with the same site list. We write to inform the city that we do not think the city is on track to have a compliant housing element and offer the additional guidance:

Gather input from developers:
Local housing developers should act as a resource to offer guidance on the barriers to development in Clayton especially given a history of long delayed developments like The Olivia on Marsh Creek, a site which was included in the 4th and 5th Housing Element cycle, was rezoned in 2011 and is still not developed over 10 years later.

Buffer on sites:
From HCD's Housing Element Sites Inventory Guidebook "it is recommended the jurisdiction create a buffer in the housing element inventory of **at least 15 to 30 percent more capacity than required**"(emphasis added).

Given that Clayton **has built zero Low Income sites** in the last 7 years, a buffer of 20% is illogical and will likely lead to the same poor results as before. Clayton should be planning for 2 to 3 times the RHNA allocation in order to have any chance of meeting this requirement.

Lot Coverage, Height, Parking etc
From HCD's Housing Element Sites Inventory Guidebook:

“When establishing realistic unit capacity calculations, the jurisdiction must consider the cumulative impact of standards such as maximum lot coverage, height, open space, parking, on-site improvements such as sidewalks or easements, and floor area ratios”

Given Clayton’s low rate of development, **the city must reduce these barriers**, removing height limits, lot coverage requirements, parking minimums and other obvious restrictions on development.

Infill housing for Environmental Benefits
By building more homes in already established urban areas, Clayton can avoid paving over trees and habitats that serve as heat sinks and carbon banks, all of which provide high-value climate benefits. It is critical to support growth in safe infill locations and streamline the permitting process when appropriate, while still allowing for a public process, requiring environmental review, and rewarding jurisdictions that meet housing goals. To support this, please refer to Greenbelt Alliance’s Resilience Playbook.

Evidence of Site Suitability:
HCD’s Housing Element Sites Inventory Guidebook states “[t]o demonstrate the feasibility of development … the analysis must include … Evidence that the site is adequate to accommodate lower income housing. Evidence could include developer interest, potential for lot consolidation, densities that allow sufficient capacity for a typical affordable housing project, and other information that can demonstrate to HCD the feasibility of the site for development.”

Clayton has not provided sufficient evidence that the sites on this inventory are suitable. See previous letter for site-specific feedback explaining why sites are not feasible.

Sincerely,
Maxwell Davis
East Bay for Everyone

Zoe Siegal
Greenbelt Alliance

Zac Bowling
East Bay YIMBY

Rafa Sonnefeld
YIMBY Law

cc: HousingElements@hcd.ca.gov

Link to Jan 4, 2022 letter:
https://eastbayforeveryone.org/wp-content/uploads/2022/04/2022-01-04-clayton-site-inventory-letter.pdf

From:	Contra Costa County Climate Leaders (4CL)
To:	Letecia "Holly" Tillman; Letecia "Holly" Tillman; Carl "CW" Wolfe; Carl "CW" Wolfe; Jim Diaz; Jeff Wan; Jeff Wan; Peter Cloven; Peter Cloven; Reina Schwartz; Janet Calderon; Housing Element
Cc:	zsiegel@greenbelt.org; "Karen Rosenberg"; "Tyler Snortum-Phelps"; info@cccclimateleaders.org
Subject:	General Plan and Housing City of Clayton
Date:	Thursday, January 6, 2022 9:21:05 AM

Letecia "Holly" Tillman Council Member htillman@ci.clayton.ca.us ; hollyt@claytonca.gov

Carl Wolfe Mayor cwolfe@ci.clayton.ca.us; cw@claytonca.gov

Jim Diaz Council Member jdiaz@ci.clayton.ca.us

Jeff Wan Council Member jwan@ci.clayton.ca.us ; jeff.wan@claytonca.gov

Peter Cloven Vice Mayor pcloven@ci.clayton.ca.us ; peterc@claytonca.gov

Reina Schwartz Interim City Mgr. rschwartz@ci.clayton.ca.us

Janet Calderon City Clerk jcalderon@ci.clayton.ca.us

HousingElement@claytonca.gov

Honorable Mayor and Councilmembers,

Thank you for the public hearing this week on the update of the City of Clayton's General Plan, Housing Element.

Per my public comments Contra Cosa Count Climate Leaders (4CL) requests:

PUBLIC INPUT: Despite the council mentioning the need for public input and for folks to take the survey. It seems that the survey has been shut down for public input. We agree that the survey should be republished and continue--- and that a more robust effort to get input should be made. We apreciated the councilmember's comment that it should be made clear that this is a plan in place for the next decade, and that it is important to express to your residents-- the urgency of their input needed for this important planning process.

SUSTAINABLE AND ADDRESS THE CLIMATE CRISIS. We agree with councilmembers comments that it was wise to more directly encourage Energy Efficiency in one of the stated goals; however, the other goals are quite broad and don't really provide much direction to the Planning Commission. We ask that as elected officials, you direc the planning commission to incorporate mitigation for the climate crisis in their planning.

As noted, other than transportation (which contributes the greatest portion of Greenhouse gas emissions), it is the build environment where your city can have the most impact, Please ensure your housing element provides options to build more infill housing in existing urban areas and include climate and energy mitigations to reduce greenhouse gas (GHG) emissions

TRACK AND MONITOR. Further, as requested, please ensure that you consider real Measirable goals in your housing element. And ensure they are reviewed at east annually to monitor and reduce the carbon footprint of any new proposed housing.

As noted, low energy and low cost housing will pass on those cost saving to the residents of these affordable homes; providing Clayton with a win win solution that addresses housing and the climate crisis.

Please keep us on the email outreach list for General Plan updates.
info@cccclimateleaders.org

Please consider these Best practices that other local governments are providing in their General Plan Updates.

https://www.cccclimateleaders.org/workshops/general-plan-updating/

And we look forward to working with you!

Lynda Deschambault
Environmental Scientist and Educator
Former USEPA
Former Mayor Moraga, CA
Executive Director, www.cccclimateleaders.org

---------- Forwarded message ---------
From: **Zoom** <no-reply@zoom.us>
Date: Tue, Jan 4, 2022, 11:02 PM
Subject: Virtual Clayton City Council Meeting Confirmation

To: <info@cccclimateleaders.org>

January 4, 2022

Dana Ayers (via email - DanaA@claytonca.gov)
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

To Whom It May Concern,

East Bay for Everyone and the undersigned organizations write to provide comments on the City of Clayton's 6th Cycle Housing Element efforts for the January 4, 2022 City Council meeting.

As a preliminary matter we note that AB1397 requires recycled and nonvacant sites in a previous housing element to be rezoned for by-right development of 20% low-income projects. If the proposed site is vacant and recycled from the previous two cycles, it must also be rezoned for by-right approval.

Of the sites identified in the Preliminary 6th Cycle Sites (Attachment 3 of the staff report) compiled by the City of Clayton and MIG, approximately 70% are recycled from the 4th and/or 5th cycle housing elements.

The following preliminary sites are vacant and have been part of the City of Clayton's Housing Element for the 4th and 5th cycle housing elements:

- Site E - proposed 20 dwelling units/acre (DUA) and is vacant.
- Site G - proposed 20 DUA and is vacant.
- Site N - proposed 20 DUA and is vacant.

These sites should be re-zoned for by-right approval as required by AB1397.

In addition the following sites are non-vacant and have been previously part of 4th or 5th cycle housing elements:

- Site F - proposed 20 DUA, previously part of the 5th cycle and contains three existing residential uses.
- Site H - proposed 20 DUA, previously part of 4th and 5th cycles and contains existing residential uses.
- Site I - proposed 10 DUA on 13 acres, previously part of the 4th cycle and contains two existing residential uses.
    - The density of this site should be increased to 20 DUA or more in order to maximize the likelihood of development given the existing high value residential uses.
- Site J - proposed 5 DUA and previously part of the 4th cycle and 5th cycles. Two of the parcels are vacant greenfield locations. The northern third parcel contains three large existing residential uses.
    - It is unlikely that these residential uses will be redeveloped at a density of 5 DUA.
    - Furthermore the southern two parcels are 1000 feet from an active quarry.
    - <u>This site should be removed from consideration.</u>
- Site M - proposed 20 DUA and previously part of the 4th cycle and 5th cycles. This site contains existing residential and agricultural uses.
- Site O - proposed 20 DUA, previously part of 4th and 5th cycles and contains existing residential uses.

The above-mentioned sites should be rezoned to allow for by-right development for projects that include 20% low-income units as required by AB1397, excluding Site J which should be removed entirely from sites.

In addition we offer the following comments:

- Site K - proposed 3 DUA, previously part of the 5th cycle. This site is on a steep hillside between existing residential uses. There are significant difficulties in developing this site and <u>it should be removed from consideration</u>.
- Sites P, Q, and R are welcome additions to the site inventory. Please provide a copy of a letter from the property owners stating they are open to developing the site at the prescribed density. We encourage the City of Clayton to partner with East Bay Housing Organizations to highlight these opportunities for development.
- Sites A and S - proposed 20 DUA, These sites are existing churches(Saint John's Episcopal Parish and Clayton Community Church). Please provide a copy of a letter from the property owners stating they are open to developing the site at the prescribed density. The church-owned properties will likely require collaboration with non-profit

housing organizations. We encourage the City of Clayton to partner with East Bay Housing Organizations to highlight these opportunities for development.

- We encourage the City of Clayton to remember that Mullin Densities of 20 DUA are merely a floor rather than a ceiling. Therefore, any reduction in units below the RHNA shortfall due to removal of potential sites should be re-allocated to redeveloped or new sites above the 20 DUA threshold of Mullin Densities.
- In looking for replacement sites, we encourage Clayton to consider adding additional density on sites within walking distance of downtown, with little or no parking minimum. These locations would be perfect for seniors looking to downsize or car-light families.

We look forward to continuing to engage with the City of Clayton as it develops its plan to accommodate growth and inclusive development. If you are conducting meetings with community organizations to discuss the Housing Element this spring, we would love to take part.

Sincerely,

Maxwell Davis
East Bay for Everyone

Zoe Siegal
Greenbelt Alliance

Zac Bowling
East Bay YIMBY

Rafa Sonnefeld
YIMBY Law

cc: HousingElements@hcd.ca.gov

From:	Karen Rosenberg
To:	Housing Element; Peter Cloven; Letecia "Holly" Tillman; Jim Diaz; Jeff Wan; Carl "CW" Wolfe
Subject:	Housing Element Policy Recommendations for Climate Resilience
Date:	Monday, January 3, 2022 3:17:38 PM
Attachments:	Clayton Housing Element Policy Recommendation Letter (1).pdf

Hello,

Prior to tomorrow's City Council Study Session we would like to share the following letter which outlines our vision for a climate resilient and equitable Clayton.

This is a once in a decade moment for Clayton to make pivotal progress on climate change by modernizing local policies to build more housing in the right places and protect open spaces. The challenge of building enough housing to bridge the gap also brings opportunity for Clayton to incorporate climate policies into their Housing Element by building the right kind of housing in the right places while protecting our valuable open spaces and irreplaceable farmland.

To achieve the growth our region needs while protecting open spaces, biodiversity, and current and future residents, Greenbelt Alliance and our partners have developed three main strategies for Clayton to base their policies and actions around: increasing density within existing communities in non-high fire severity zones and away from flood zones, ensuring fair and inclusive zoning policies that make housing accessible to everyone, and requiring nature-based solutions for climate resilience in future developments.

To further support our vision for Clayton, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; The Resilience Playbook. The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey.

We look forward to participating in the Housing Element process.

Regards,

Karen Rosenberg

--
Karen Rosenberg
Resilience Fellow
Greenbelt Alliance
312 Sutter Street, Suite 402 | San Francisco, CA 94108

We're adapting to a changing climate. Get our new Strategic Plan to find out how.

January 3, 2022

RE: Housing Policy Recommendations for Climate Resilience

Dear Mayor Peter Cloven, Vice Mayor Holly Tillman and City Council,

The undersigned organizations and individuals are excited to participate in Clayton's Housing Element process. We write to offer guidance to Clayton in meeting its Regional Housing Needs Allocation (RHNA) goals during the upcoming Housing Element cycle that we believe will make room for more families to enjoy everything Clayton has to offer while ensuring that it is deemed compliant. **This is a once in a decade moment for Clayton to make pivotal progress on climate change by modernizing local policies to build more housing in the right places and protect open spaces.** The challenge of building enough housing to bridge the gap also brings opportunity for Clayton to incorporate climate policies into their Housing Element by building the right kind of housing in the right places while protecting our valuable open spaces and irreplaceable farmland.

The Housing Element is an excellent opportunity for Clayton to mitigate climate change and negative environmental impacts in Clayton. In California, about 40% of climate pollution comes from transportation, the bulk of that from gasoline- and diesel-burning vehicles on our roads. Building more of the right housing in the right places can mitigate climate impacts and reduce housing costs and inequities. But in order to do this we need to change the way we build: as we encourage and engage in equitable, fire-safe infill development, it is imperative that we think about how we can really maximize the benefits that we're getting from our land. We need to build more infill housing in existing urban areas and that infill housing — and all housing — needs to include a healthy amount of green infrastructure like bioswales, carbon sequestering trees that provide canopy cover and can mitigate the urban heat island effect, native plants that can provide habitat, and other nature-based solutions to climate risks.

We believe that by adjusting zoning and development standards strategically, Clayton can exercise maximum control over its future while also reducing greenhouse gas (GHG) emissions and addressing our climate, housing, and equity crises. By considering the feasibility of proposed housing sites, Clayton can ensure the Department of Housing and Community Development (HCD) deems the new housing element legally compliant and accepts Clayton's housing element.

As Clayton begins their update process, we would like to offer three priorities to base Clayton's policies and actions around.

1. **Increase density within existing communities in non-high fire severity zones and away from flood zones**. We must build more housing in existing communities to create healthy, resilient, and affordable housing and protect our open spaces to provide climate benefits. Concentrating growth in places with low or even moderate wildfire hazard risk and outside of anticipated flood zones is necessary to address the need for building more homes while avoiding unnecessary pressure for sprawl and unsustainable shoreline development.
    a. Clayton has many commercial sites that could be strengthened through the addition of mixed-income or affordable housing. Large parking lots and setbacks of legacy office development represent opportunities to create mixed-uses that lower greenhouse gas emissions, create vitality and increase walkability.
    b. Increase heights and remove restrictions on density in non-fire or flood severity areas where existing or new high-capacity transit is planned to encourage housing and the creation of mixed-use corridors.
2. **Ensure fair and inclusive zoning policies that make housing accessible to everyone**. The compounding crises of climate change and housing affordability disproportionately impact low-income and communities of color. In order to address our housing, climate, and equity crises, we need to change the stigma around multifamily home structures. Furthermore, current housing policies have resulted in people being unable to afford to live where they work, creating long unsustainable commutes—both for the environment and for our social fabric. Cities need to actively plan for diverse housing options that are accessible to people of all backgrounds and income levels using the principles of Fair Housing.
    a. **Affordable Housing** - Sites to meet Clayton's low and very low-income RHNA should focus on feasibility. This means identifying good locations near transit, schools and jobs. Such sites will ensure that affordable housing developers seeking will be competitive in applying for funding. Pleasanton also should try to align such the densities of these opportunity sites with affordable housing finance mechanisms. Typical Low-Income Housing Tax Credit affordable housing developments contain between 40 and 75 units. The density yields of sites should reflect this rather than simply reverting to the statutory minimum density of 30 dwelling units per acre for low-income and very low-income housing under RHNA (the so-called Mullin Densities) regardless of the size of the site.
    b. **Missing Middle** – Clayton should also focus on creating opportunities for "missing middle" housing like townhouses and duplexes. In Clayton, **90.4%** of housing is owner occupied, the majority of which is single-family homes. Multifamily housing provides housing opportunities for families who cannot afford to buy or rent single-family homes in Clayton.
3. **Require nature-based solutions for climate resilience in future developments.** To ensure that Clayton's current and future homes are resilient to climate risks like wildfire and flooding, Clayton must be better equipped to help communities struck by natural disasters rebuild and respond rapidly and inclusively. Clayton should require developers to integrate green infrastructure into development and the public right-of-way adjacent to developments at a level that exceeds water quality mandates and ensures that the community has an opportunity to provide input. New infill development has the opportunity to rejuvenate parts

of Clayton that currently contribute negatively to GHG emissions, urban heat islands and pose fire and flood risks.

a. Implement nature-based adaptation - or consider relocating - critical public assets threatened by sea-level rise or rising groundwater.
b. Require and incentivize green infrastructure in future developments and when possible, use green infrastructure as a preferred alternative.
c. Consider permit streamlining for new housing that exceeds current green infrastructure requirements.
d. Reduce mandatory parking minimums to encourage environmentally friendly transit modes like walking, cycling, taking public transit, and purchasing fewer cars.

To support our vision for Clayton, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; The Resilience Playbook. The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey.

We look forward to continuing to engage with Clayton and the community on how this vital work can move forward in the new year.

Sincerely,

Zoe Siegel
Director of Climate Resilience, Greenbelt Alliance

Karen Rosenberg
Resilience Fellow, Greenbelt Alliance

Derek Sagehorn
Housing Element Coordinator, East Bay for Everyone

Laura deTar
Executive Director, Fresh Approach

Tina Neuhasel
President and CEO, Sustainable Contra Costa

Lynda Deschambault
Executive Director, Contra Costa Climate Leaders

Alexi Lindeman
Chair, Sustainable Leaders In Action

Peri Lindeman
Youth Environmentalist, Antioch

Abigail Stofer
Youth Environmentalist, Walnut Creek

Stella Lin
Youth Environmentalist, San Ramon

Olivia Johnson
Youth Environmentalist, Brentwood

Ian Cohen
Youth Environmentalist, Brentwood

Selam Asfaw
Youth Environmentalist, Brentwood

Diana Salazar
Youth Environmentalist, Brentwood

Gabriel Vitan
Youth Environmentalist, Brentwood

Xaylee Minchey
Youth Environmentalist, Brentwood

Rachel Kimball,
Youth Environmentalist, Antioch

Kyle Suen
Youth Environmentalist, Walnut Creek

Attachment 5.2

Balancing Act and Maptionnaire Survey Summaries

Community Development Department
Interoffice Memorandum

Date: **May 10, 2022**

To: **Reina Schwartz, City Manager**

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

RE: **Results of the Clayton Housing Balancing Act Community Engagement**

Background

Between February 25 and April 3, 2022, as part of its public outreach related to the Housing Element Update, the City of Clayton offered an opportunity for its residents and other interested parties to participate in the Housing Balancing Act, a virtual simulation within which participants were given 15 vacant or underutilized sites in Clayton and asked what density of housing they preferred to see on each site. Starting with a "default" density of either 2 or 3 units per acre on each site, participants could change density in increments of 1 unit per acre to as low as 0 units per acre if they did not want to see housing on a site, up to as many as 30 units per acre. A "housing plan" could be successfully submitted once a participant was able to identify at least 570 housing units in their simulation. This memorandum summarizes the results of the Balancing Act engagement tool for the City of Clayton.

Outreach and Participation

Clayton's Balancing Act simulation was activated on February 25, 2022. To announce the availability of the simulation that day, City staff posted flyers on three community posting boards located at City Hall, the Clayton Library, and in the Town Center; paper copies of the flyers were also placed in the lobby of the library for visitors to take. Virtual announcements included emails to persons and organizations who had expressed interest in the Housing Element Update process, and postings on Next Door and on the City's homepage at www.claytonca.gov. Subsequently, on February 27, the City's Mayor and Vice-Mayor facilitated a volunteer effort to place doorhangers on each residence in the City.



All printed and virtual announcements included a QR code linked directly to the Housing Element page, as well as directions for how to access the City's Housing Element webpage without use of the QR code. A link to the

simulation and a brief video introductory message from the Mayor were embedded at the top of the Housing Element webpage.



Prior to formal activation of the simulation, City staff also provided a demonstration of Balancing Act at the regular Planning Commission meeting of February 22, 2022. The minutes of that meeting, including comments provided by Planning Commissioners, are attached as Appendix B to this memorandum.

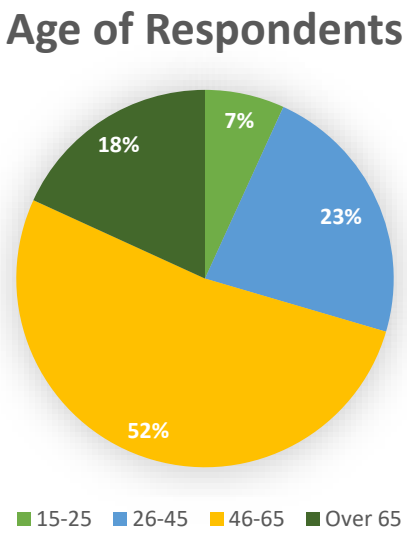
The simulation remained open for public participation for a total of 38 days. During that time, the simulation was accessed 382 times, and each participant spent an average of 16 minutes and 17 seconds engaged in the program. By closing of the simulation on the morning of April 4, 2022, a total of 44 housing plans had been submitted by participants.

Simulation: Characteristics of Respondents

The simulation began with a brief introduction to what the Housing Element is, what the Regional Housing Needs Allocation (RHNA) is, and why the Housing Element is being updated in compliance with State law. A second introductory window provided text and image instructions for how to engage with the simulation. Before users could start to create a housing plan, they were asked three questions about their age, whether they were a Clayton resident, and if a resident, the general location of where they lived.

Age of Respondents

Of the 44 participants who successfully created a housing plan, the majority (over 50 percent) were between the ages of 46 and 65. At just under one quarter of respondents, the next highest age group of participants were those between the ages of 26 and 45.

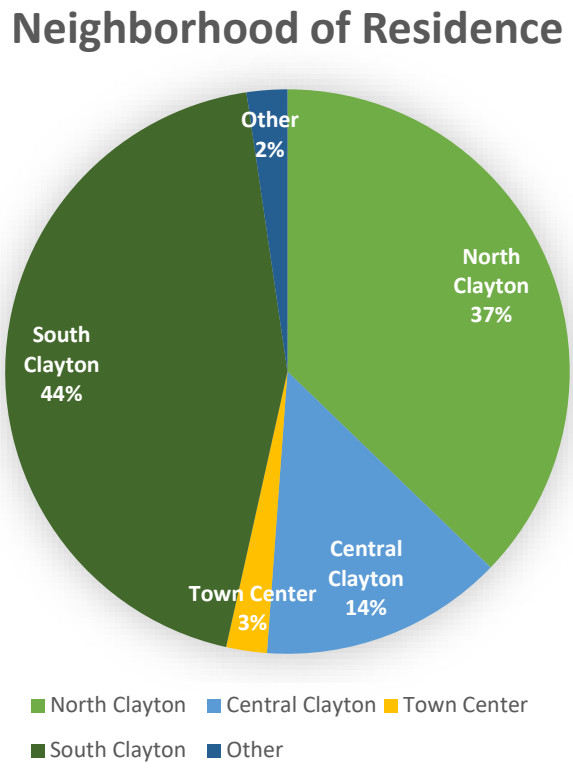


Age	Number of Respondents
15-25	3
26-45	10
46-65	23
Over 65	8
TOTAL	**44**

Residence of Respondents

The majority of respondents, 41 of the 44 who submitted housing plans, were residents of Clayton. The neighborhoods most represented by respondents were in the southern neighborhoods in Clayton, and more specifically in the Dana Hills/Dana Ridge and Regency Woods/Regency Meadows developments. Neighborhoods in the north Clayton area were the second most represented group with approximately 37 percent of respondents.

Neighborhood of Residence	Number of Respondents
North Clayton	**16**
Jeffry Ranch	*2*
North Clayton	*3**
North Valley/North Valley Park	*3*
Oakhurst	*6*
Windmill Canyon	*2*
Central Clayton	**6**
Central Clayton	*1*
Mitchell Canyon	*1*
Stranahan	*1*
Upper Easley Estates	*2*
Town Center	**1**
Town Center	*1*
South Clayton	**19**
Dana Hills/Dana Ridge	*11*
Regency (Meadows, Woods)	*8*
Other	**1**
Diablo Valley	*1*
TOTAL	**42***



**One respondent indicated that they did not live in Clayton but input a residence location of "north clayton."*

Simulation: Summary of Housing Plans

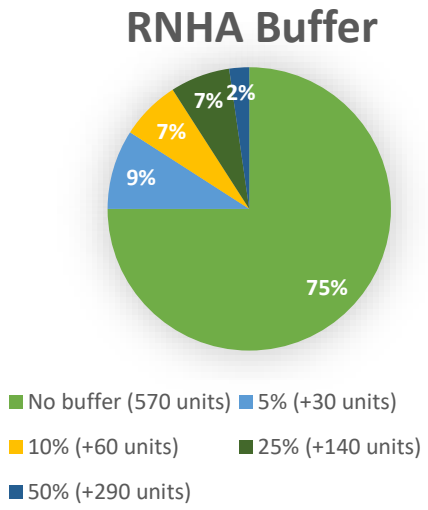
After answering the questions about their age and residence, participants were asked to specify whether they wanted to establish a buffer to the RHNA for their housing plan. Narrative in the simulation explained that the RHNA allocation of 570 new housing units in Clayton was the minimum number of units that the participant would need to include in their housing plan to successfully submit their plan. The narrative further explained that a buffer to the RHNA would help to ensure that the RHNA could still be achieved should a site be built out with fewer units than was envisioned in the housing plan; however, establishing a buffer was optional and was not necessary for successful submission of any housing plan in the simulation.

Default options of 5 percent, 10 percent, 25 percent and 50 percent over the RHNA were provided in the simulations. Participants could choose one of these options, or "No buffer" if they did not want to specify locations for more than 570 units of new housing.

As summarized in the table and chart, below, the majority of respondents (75 percent) opted for no buffer to the RHNA. Four respondents selected the 5 percent buffer for their housing plans,

and three residents each opted for the 10 percent and 25 percent buffers. One respondent selected the 50 percent buffer. One respondent who opted for a 25 percent buffer provided a comment suggesting an alternative buffer of 33 percent.

RHNA Buffer	Number of Respondents
No buffer (570 units)	33
5% buffer (+30 units)	4
10% buffer (+60 units)	3
25% buffer (+140 units)	3
50% buffer (+290 units)	1
TOTAL	**44**



Once the participant made a selection with respect to the RHNA buffer, they could interact with the options for decreasing or increasing densities for each of the potential housing sites. The sites were provided on an expandable list and on a map within the simulation. Participants could click on each site name, and the simulation would zoom in to that site on the map, or they could click directly on the site on the map to open the interaction opportunity for that site. To orient the participant, links within each site's interaction point provided a brief description of existing development, or lack thereof, on each site, as well as a link to a picture of each site.

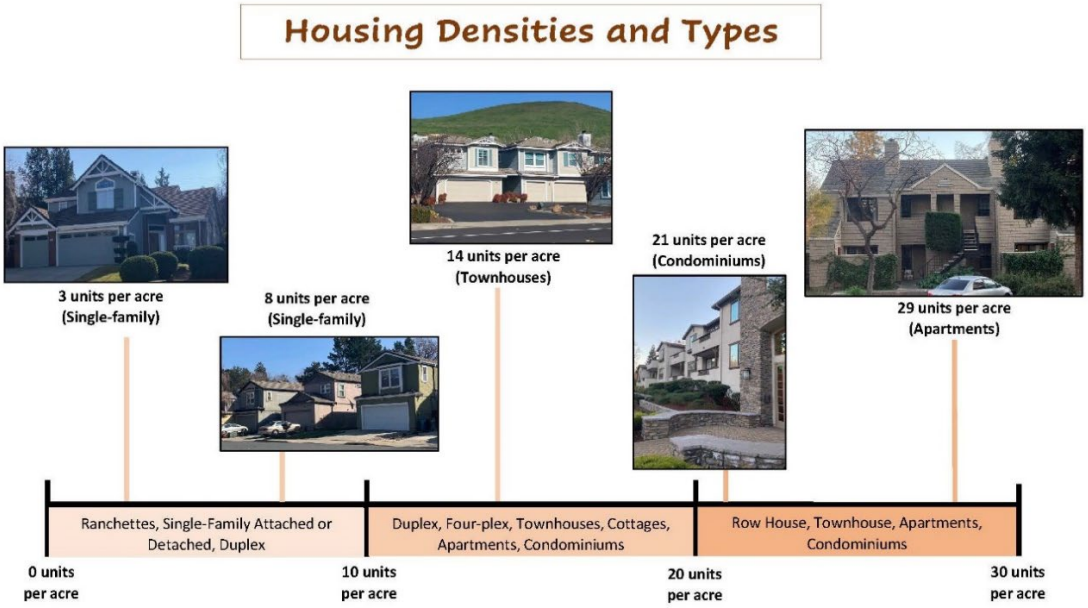
The simulation identified 18 vacant or underutilized sites in the City, as listed below. The sites in the simulation were based on the "City of Clayton Preliminary 6th Cycle Sites" map presented during the January 4, 2022, City Council study session on the Housing Element Update (see Appendix C). Each site in the simulation was identified by a name and a number preceded by a letter. The letter designation in each site identifier indicated whether the site has already been approved for housing development (A), or it indicated the location of the site in the Town Center (TC) or the northern (N), central (C) or southern (S) general area of Clayton. Because the three sites with an A designation have already been approved for development, participants were not given the option to change density on those sites. However, because they are entitled, all 109 of the approved units among the three sites were included by default in each housing plan.

- A1 | Diablo Meadows (8.6 acres) – *21 units approved, permits pending*
- A2 | The Olivia at Marsh Creek (3.01 acres) – *81 units approved*
- A3 | Oak Creek Canyon (8.87 acres) – *7 units approved*

- N1 | Clayton Valley Presbyterian Church (3.67 acres)
- N2 | St John's Parish (2.36 acres)
- N3 | Silver Oak Estates (12.9 acres)
- N4 | Lydia Lane (2.8 acres)
- C1 | Clayton and Mitchell Canyon Roads (1.0 acre)
- C2 | Douglas Road (1.47 acres)

- C3 | Easley Ranch (13.52 acres)
- C4 | Oakhurst Country Club Overflow Parking Lot (2.55 acres)
- TC1 | City-owned Downtown Site (1.66 acres)
- TC2 | 6055 Main Street (0.55 acre)
- TC3 | Oak and Center Streets (0.47 acre)
- TC4 | Center Street Parking Lot (0.46 acre)
- TC5 | 6070 Center Street (1.0 acre)
- TC6 | 6470 Marsh Creek Road (1.16 acres)
- S1 | Pine Lane and Marsh Creek Road (8.54 acres)

To assist each participant in understanding those development types with which a particular density range corresponds, the simulation included text and a graphic with typical residential development types for 3, 8, 14, 21 and 29 units per acre. All images provided in the graphic were of developments in central Contra Costa County, and the 3, 8 and 14 unit per acre images provided were of developments located within Clayton.



As noted above, each site was assigned a default density of 2 or 3 units per acre, and participants could increase or decrease density by increments of 1 to as low as 0 units per acre or as high as 30 units per acre. The maximum density of 30 units per acre in the simulation was selected by staff because it was above the current General Plan maximum density of 20 units per acre but would facilitate housing of a similar development pattern (low-rise apartments, condominiums) to that already determined in existing land use policies to be compatible with Clayton's community character.

The following table compiles the data in the 44 housing plans submitted through the simulation. For each of the sites, the simulation auto-calculated the total number of units based on the area within the selected site, multiplied by the user's selected density. The highest number of units, the lowest number of units, and median, mean and mode for unit count for each site is summarized below. Density is also provided in the table inside of brackets in **boldface** type.

For a summary of comments provided for each site, see Appendix A.

Housing Plan Data Summary

	Site N1 Clayton Valley Presbyterian	Site N2 St. Johns Parish	Site N3 Silver Oak Estates	Site N4 Lydia Lane	Site C1 Clayton and Mitchell Cyn Rds	Site C2 Douglas Road	Site C3 Easley Ranch	Site C4 Oakhurst Overflow Lot	Site TC1 City-owned Downtown	Site TC2 6055 Main Street	Site TC3 Oak and Center Sts	Site TC4 Center St Parking Lot	Site TC5 6070 Main Steet	Site TC6 6470 Marsh Creek Road	Site S1 Pine Lane @ Marsh Ck
Lowest	11 **[3]**	2 **[1]**	39 **[3]**	3 **[1]**	0 **[0]**	0 **[0]**	14 **[1]**	3 **[1]**	2 **[1]**	0 **[0]**	0 **[0]**	0 **[0]**	0 **[0]**	0 **[0]**	9 **[1]**
Highest	110 **[30]**	70 **[30]**	390 **[30]**	80 **[29]**	30 **[30]**	45 **[30]**	410 **[30]**	80 **[30]**	50 **[30]**	15 **[30]**	15 **[30]**	15 **[30]**	30 **[30]**	30 **[30]**	260 **[30]**
Median	77 **[21]**	29 **[12]**	104 **[8]**	11 **[4]**	9 **[9]**	7 **[5]**	109 **[8]**	35 **[10]**	7 **[4]**	2 **[4]**	2 **[4]**	1 **[2]**	6 **[6]**	4 **[3]**	95 **[11]**
Mean	72 **[20]**	36 **[15]**	125 **[10]**	20 **[7]**	11 **[11]**	11 **[7]**	144 **[11]**	34 **[13]**	13 **[8]**	4 **[8]**	3 **[6]**	3 **[6]**	9 **[9]**	8 **[7]**	111 **[13]**
Mode	110 **[30]**	70 **[30]**	39 **[3]**	8 **[3]**	3 **[3]**	3 **[2]**	41 **[3]**	80 **[30]**	5 **[3]**	1 **[3]**	1 **[2]**	1 **[3]**	3 **[3]**	4 **[3]**	87 **[10]**

*Note: Total units are provided in regular font. Densities that correspond with those unit counts are shown in **[boldface]** type.*

Conclusions

Generally, respondents specified preferences for higher densities on the sites in Northern Clayton, and particularly on Site N1 (Clayton Valley Presbyterian) and Site N2 (St. John's Parish), where the most common densities selected were 30 units per acre. Respondents commented that these sites were already close to services, transit and shopping, and suggested that the sites' proximity to each other could further result in shared community resources for the sites' residents. Some respondents also added comments suggesting increasing density above 30 units per acre on these sites, a comment that was also reflected in the minutes of the Planning Commission meeting at which Balancing Act was demonstrated. In Central Clayton, Site C4 (Oakhurst Overflow Parking Lot) also had some of the highest densities among sites in the simulation, with the most common density at 30 units per acre and an average of 13 units per acre. In Southern Clayton, where the only unlocked site was Site S1 (Pine Lane and Marsh Creek Road), respondents generally selected medium densities for the site, with average, median and most frequently selected densities in the range of 10 to 13 units per acre. Other sites, including sites in the Town Center, tended to have lower densities selected, and in some cases, no development. It is noted, however, that for some Town Center sites, some respondents commented that they preferred to see commercial development on those properties but would consider residential development on upper floors above commercial spaces or adjacent to Clayton Road.

Based on the feedback received from the Balancing Act, decision-makers could consider increasing density from 20 units per acre to 35 or 40 units per acre on Site N1 (Clayton Valley Presbyterian) and Site N2 (St. John's Parish). The increase in density would allow more housing units (up to as many as 240 units) to be met between those two sites. The potentially higher number of residents would benefit from their proximity to shopping and existing transit, as noted by simulation respondents. These densities would also accommodate the City's low-income RHNA, simply by nature of the fact that they would be at least 20 units per acre. For purposes of estimating development potential in the Housing Element, staff would project about 30 units per acre (approximately 180 units), based on the observation that residential developments in the City are not always built out at the maximum densities allowed by the General Plan and zoning regulations. Decision-makers could also consider shifting the density ranges for other residential districts (single-family and multi-family) upward so as to establish somewhat higher minimum and maximum densities across all residential land use categories.

For the remainder of the RHNA, medium to medium-high density development in the range of 10 to 20 units per acre on Site C4 (Oakhurst Overflow Parking Lot) and Site S1 (Pine Lane and Marsh Creek Road) would be consistent with feedback received in the simulation. Other sites identified in the simulation could be considered for medium density residential, particularly in the Town Center, provided that units are developed above or behind commercial uses. Outside of the Town Center, densities could be kept on the lower end (around 5 to 10 units per acre), recognizing that, as commentors noted: 1) additional units on existing single-family lots could be built as accessory dwellings or urban lot splits; and 2) residential developments could have a mixture of densities and development types (such as single-family with townhouses). However, given the historically slow rate of construction of accessory units (average of one per year for the past five years) and an unknown number of urban lot splits due to the novelty of that

legislation, staff would caution against overestimating how much of the RHNA could be met by those residential unit types.

Data from the simulation also showed that the majority of participants opted not to include a buffer to the RHNA for their housing plans. This is an option that the City could choose to take for the Housing Element. However, as noted above, if a housing opportunity site identified in the Housing Element is subsequently rezoned to a lower density during the eight-year housing cycle, or if it is otherwise developed with fewer units than was envisioned in the certified Housing Element, the City would have to undergo a process to show the State that the City could still achieve its RHNA with other sites previously- or newly-identified in the Housing Element[1]. Without a buffer, this process could include time and General Fund expenditures related to Housing Element, General Plan Land Use Element and/or Zoning Ordinance amendments and corresponding environmental impact analysis. Even should preliminary projections of unit count under the Housing Element suggest that a specific buffer may not be necessary (i.e., recommended densities would accommodate more than 570 units across the multiple opportunity sites), staff would still further recommend that the Housing Element and the accompanying General Plan Land Use and Zoning Ordinance amendments specify minimum densities for residential development, and that they include policy language requiring compliance with minimum densities and maximum lot sizes. Requiring developments to comply with both minimum *and* maximum densities would help to ensure that actual development is consistent with the RHNA projections in the Housing Element and reduce or avoid the need for time and expense of future amendments to the City's land use policy documents.

Attachments

Appendix A: Summary of Comments from Clayton Housing Balancing Act

Appendix B: Minutes of February 22, 2022, Planning Commission Meeting (Balancing Act Demonstration)

Appendix C: "City of Clayton Preliminary 6th Cycle Sites," December 2021

[1] State housing element law (Government Code Section 65580 *et seq.*) subjects all cities' and counties' housing elements to review and certification by the State Department of Housing and Community Development (HCD). Local jurisdictions must obtain and maintain certification of their housing elements by HCD in order to be eligible for certain State and local funding sources, such as State grants administered through the Metropolitan Transportation Commission/Association of Bay Area Governments, and Contra Costa County Measure J Return to Source funds.

Appendix A: Summary of Comments from Clayton Housing Balancing Act

(Note: Other than commentors' names, personal identification information has been removed from the comments listed and attached here.)

RHNA Buffer

recommend 33% buffer

thank you for asking for input. Clayton has shown it supports various housing types with our single family, duplex, triplex, fourplex and condos which already exist. Additional housing in central Clayton will help our businesses which support all our beloved cultural activities. this topic may generate a ton of controversy, stay strong! Clayton can do it. Carmel W.

Site N1 | Clayton Valley Presbyterian (3.67 acres)

Could go to higher density, but stay at 17 to provide space for room for community rooms (i.e., this could be an area for HDR w/community services).

Condos similar to what is already next to the church

This is where AB 1851 comes into play-parking lot can be used for additional housing, additional height limits can be zoned for apartments near transit and jobs: 60 units per acre

Site N2 | St. John's Parish (2.36 acres)

Again, AB 1851 will allow more housing in parking area.

Black Diamond type duets on .125 acre lots

Go full HDR and take advantage of nearby community services at N1.

Site N3 | Silver Oak Estates (12.9 acres)

104 SF detached with 25% having JADUs (so for RHNA purpose only, 130 DUs).

Site N4 | Lydia Lane (2.8 acres)

May be constrained by creek. 11 SF detached with 25% having JADUs (for RHNA purpose only, 14 DUs total).

Site C1 | Clayton and Mitchell Canyon Roads (1.0 acre)

Zero in downtown

Traffic would be unbearable with the Mt. Diablo Elementary right next door-increasing density would increase safety hazards for parents/children

Chaparral Springs type townhomes, with garage parking.

Ever since this former fire station was allowed to be a residence, it has been a messy, overgrown and blighted entry to our city, and that should change as quickly as possible. I seem to recall the site needed remediation, but it is a correct location for some higher density housing.

1/3 acre lots are huge! You could do single family at .2, but row townhomes or duets would be fine here.

Site C2 | Douglas Road (1.47 acres)

Zero in downtown

See above. We shouldn't be building detached single family units on 1/3 acre lots or larger.

Dependent on topography

Smaller homes, Ranchettes, Duplexes.

Site C3 | Easley Ranch (13.52 acres)

Zero in downtown

Keep at suggested units due to possible restrictions placed on developing acreage by the creek.

Use this OR S1 for new lighted sports facility for soccer and baseball. What we have now is outdated and borderline unusable. It is unbelievable that with all this money in our area that our facilities meant for children to get outside and play are as run down as they are. Partner with MDSA soccer and CVLL baseball and require them to maintain fields year round. This would also allow MDSA and CVLL to have their own fields and not have to play roulette with other surrounding sports clubs.

Mixed Ranchettes, and Town homes. Keep the path to keep a green space within the complex. Bus stops at entrance to complex. Create 2 entrances on Marsh Creek. May require widening of Marsh Creek to create turn-in lanes so traffic can flow for other residents and parents of middle school children.

Average of 15 DU/acre but site is large enough to have 2 or 3 density ranges to accommodate SF detached (25% having JADUs) and higher density DUs (duets, condos, etc.)

41 units would be nearly 1/3 acre each! Too low density. Duplexes and four plexes or attached row houses. Approximately .12 acres each.

Site C4 | Oakhurst Country Club Overflow Parking Lot (2.55 acres)

Townhouses or condominiums similar to those in Oakhurst

This site should be a transit mobility hub/park and ride with retail & services and housing over.

21 SF detached (25% with JADUs for a total of 26 DUs for RHNA purpose only).

Great location for rental units. Right on bus line. Numbers I've proposed include procuring some of the adjacent land on Clayton Road that is currently open space. Also close to Middle School.

Site TC1 | City-owned Downtown Site (1.66 acres)

Zero in downtown

Better use as commercial property. Should be zero unless apartments above commercial.

This property was supposed to be included in Charrette sessions with the citizens of Clayton-this should be a recreational area as an extension of Grove Park-not housing

Commercial 1st floor, 2nd (& 3rd ?) floor residential

I would prefer that this land be zoned exclusively as commercial. That said, it could be high density on Clayton Road and charming mixed use development with housing over retail shops Main Street.

Mixed use! Commercial below, housing on top.

Site TC2 | 6055 Main Street (0.55 acre)

Zero in downtown

Better use as commercial property

Commercial 1st floor, 2nd (& 3rd ?) floor residential

Would prefer that tis land be zoned exclusively as commercial. Create mixed use housing over retail.

TC1 and TC2 must be considered together. I have no sentiment for the historic site, and feel this is downtown Clayton's best place to do some sort of combined retail and residential, like around Pleasant Hill BART's transportation village. Specifically, I think this area should have some high-density residential above restaurants with recreation, like Chicken "N Pickle (NOT KIDDING!). See chickennpickle.com! Pickleball courts within a restaurant setting. I think we can agree that food does pretty well in town.

Mixed use! Commercial below, housing on top.

Site TC3 | Oak and Center Streets (0.47 acre)

Zero in downtown

Commercial 1st floor, 2nd (& 3rd ?) floor residential

Make TC3, 4, 5, 6 and the adjacent area that goes to High Street as a 4 unit per building town home development. Lafayette has done this on Mt. Diablo Blvd.

Site TC4 | Center Street Parking Lot (0.46 acre)

Zero in downtown

Commercial 1st floor, 2nd (& 3rd ?) floor residential

Make TC3, 4, 5, 6 and the adjacent area that goes to High Street as a 4 unit per building town home development. Lafayette has done this on Mt. Diablo Blvd.

Mixed use! Commercial below, housing on top.

Site TC5 | 6070 Center Street (1.0 acre)

Zero in downtown

Row houses like Mitchell Creek place.

Commercial 1st floor, 2nd (& 3rd ?) floor residential

Make TC3, 4, 5, 6 and the adjacent area that goes to High Street as a 4 unit per building town home development. Lafayette has done this on Mt. Diablo Blvd.

Mixed use! Commercial below, housing on top.

Site TC6 | 6470 Marsh Creek Road (1.16 acres)

Zero in downtown

Single family homes

Make TC3, 4, 5, 6 and the adjacent area that goes to High Street as a 4 unit per building town home development. Lafayette has done this on Mt. Diablo Blvd.

Site S1 | Pine Lane and Marsh Creek Road (8.54 acres)

Use this OR C3 for new lighted sports facility for soccer and baseball. What we have now is outdated and borderline unusable. It is unbelievable that with all this money in our area that our facilities meant for children to get outside and play are as run down as they are. Partner with MDSA soccer and CVLL baseball and require them to maintain fields year round. This would also allow MDSA and CVLL to have their own fields and not have to play roulette with other surrounding sports clubs.

8 SF detached (with 25% having JADUs for a total of 10 DUs for RHNA purpose only).

Making these ranchettes or duplexes won't change the character of the neighborhood.

Please note that I did not have the time or patience to carefully review all the sites and make useful suggestions for each one. I believe the number of units is too large. I did certainly want to make my points about the old fire station location and the pickleball concept right downtown. Bocce and pickleball are going to be longterm attractions.

From: Doug Chen
To: Dana Ayers
Cc: Doug Chen
Subject: RE: Clayton Housing Simulation Now Available Online!
Date: Saturday, February 26, 2022 10:46:31 AM

Dana: This is a great tool. Thank you for the invite. I just submitted my input. You will see that I have higher densities in North Clayton near arterials, and also at Town Center. Where I have lower densities (to retain SF detached), I have 25% of SF units with JADUs (attached ADUs that are 500sf or less). The simulation does not add JADUs, but I have many JADUs that count as DUs for RHNA, but not as DUs for utility services including fees (because the JADUs are contained entirely within the primary dwelling units).
I checked 25% buffer, but I think 33% is better.
I have 743 DUs, but because the simulation does not add JADUs, the true number (for RHNA purpose) is higher. I did not keep a count of the JADUs as I was going through each site, and I don't think there is a way for my to go back after I have submitted.
RHNA has 570 DUs for Clayton. What is the breakdown for the inclusionary categories?
I see a City-owned parcel. Is there a plan for that parcel?
I am really glad that there is stability at the Community Director level and look forward to process more housing applications in Clayton.
Thanks,
Doug

Doug Chen, RCE, LS
Discovery Builders
4021 Port Chicago Hwy
Concord CA 94520
925.250.2658, dchen@discoverybuilders.com

From: Dana Ayers <danaa@claytonca.gov>
Sent: Friday, February 25, 2022 5:20 PM
To: Dana Ayers <danaa@claytonca.gov>
Subject: Clayton Housing Simulation Now Available Online!

The City of Clayton is pleased to announce a new opportunity for community engagement in the Housing Element Update for the 2023 through 2031 housing cycle!

Where would *you* put new housing in Clayton? Can you create a housing plan?

Every eight years, California cities update their housing plans and identify locations where their share of housing growth could be built.
Clayton must identify and zone enough land to accommodate at least 570 new residences, our share of the projected statewide housing need.

The City of Clayton invites you to participate in an online simulation that challenges participants to create a plan for where the City's allocation of new housing units could be built.
We've identified potential sites, you select the densities that you think would create the best housing plan.

The simulation can be accessed through a desktop computer or mobile device and will remain open for submissions through April 3, 2022.

Check out the simulation online on the Housing Element webpage, or using the camera on your mobile device, scan the QR code in the attached announcement. And please share this announcement with your friends, colleagues and neighbors in the community!



Dana Ayers, AICP
Community Development Director
City of Clayton
6000 Heritage Trail

On 03/02/2022 1:08 PM DENISE PURSCHE <denise.pursche@comcast.net> wrote:

Mayor, City Council, and Planning Commissioners,

PLEASE PROVIDE THIS COMMENT AS PART OF THE PUBLIC RECORD AS RECORDED IN YOUR MEETING MINUTES under the words..."traitors one and all".

What one hand giveth, the other hand taketh away? I ask, is this your little cat game and your little mouse trap? One hand gives "hush money" that the city doesn't have but the other hand ask the citizens to give more taxation...oh pretty please, you say!

You must actually think we are the biggest stupid idiot citizens ever, right?

I don't even know why I bother to inquire about anything given the buckyball/malarkey in this attached document which reads like another cat and mouse trap. Let me ask, are you a servant of the people? The servants who defend our rights? Because you sure don't act like it nor do you seem to understand your role. Let me explain first by saying I am not your "customer". You provide to me no service and I ask for none of your "services" or your "servitude" you perceive as your role as lord and master over the masses. However, there is one exception that the masses expect from the public servant and that is the duty of an elected/appointed official **"to defend the constitution against all enemies foreign and domestic".** This is your **only** duty and it is your oath you signed on the dotted line.

In fact, it is only this duty that is required from the people that "elected" you. That means we don't need your "best intentions" or "voting your conscience" or the "gift of hush money" or "even your cat and mouse game of stack and pack, balancing act". God forbid save us from that! I'll say it again.....your duty is "TO DEFEND THE CONSTITUTION AGAINST ALL ENEMIES FOREIGN AND DOMESTIC." Taxation and cat games of where to place more stack and pack is not defending the constitution or the people of this good city, or defending their rights.

It's such a simple job but imagine a game where you are asking for feedback yet again on the same issue over and over and over again to no avail. Is it inane to keep asking the same question of where to build 570 or 840 or what ever the number may be housing units as if you've already compromised and leveraged yourself in the "game" of who will play cat and mouse...gotcha?

Or to take with one hand and give with the other? Ask for the tax increases that you require like a king because after all you are in the red?And then the real kicker give out $10,000 money like you're floating in cash,. Robin Hood? I know the city is in the red soon and I am not frankly surprised by it. But you seem to be surprised. You know when you shut down businesses and then slap the citizens with your taxation isn't that bad OPTICS? They say perception is everything and I'd say you have a PR problem and no consultant "crafting just the right message" is going help you with that perception problem. You think you give with one hand and take with another and no one will be the wiser to the trap you lay for your citizens?

Hush money? One world agenda? Economic reset? If only your constituents knew of your plans you have for them. We are talking about relocation of every citizen in this city to a major city center via the usual Marxist agenda ways...which you all seem to be down with...as in shut down your water supply, cut off your electricity, and create a food supply issue along with shut down business, enforce the mask mandates, as well as enforcement of the vaxxed mandates with your chipped vax pass on your hand and your 5G surveillance. I'm sure you will support all of this and more. Leveraged? Compromised? Yes, I'd say that is it.

You do know that this is all the "motivation any citizen need" to adhere to the agenda and you as the enforcer class. That and your leveraged self with all the pictures and the audio to support your transgressions. I'm sure they've been taken even without your knowledge. All you need is a citizenry that doesn't understand the rules of engagement and the game you are playing with their livelihoods. And of course there is the end goal of 5G surveillance and removal of our bill of rights almost complete at this point from one created emergency to the next emergency and the role you play in the enforcement mechanism. You play the unconstitutional role and none are any wiser than you to the depths you have sunk. Traitors one and all.

You want to find the 'black ink' then let the people of this city do what they need to do (that is if it's not too late because most of those businesses are not going to make it. That's the plan actually btw as no one will work instead receiving a subsistent stipends from the government largess. And btw way if you don't know that this is plan then you are doubly derelict of your duty and lack knowledge is no excuse under the laws of this nation. Though I guess you think your pittance of $10k is enough to tide them over and your right to give it away and buy their vote for the upcoming November election?

Instead of restricting them and threatening them and imposing your imperial kingdom mentality, what if you choose to defend the Constitution and the Bill of Rights? A novel approach you say? No! Instead you shafted your constituents by closing their doors. And, for what? The answer is no reason but your cowardice! Course even if you get $400 of increase taxes from each of the cash strapped property owners/citizens of this city with higher taxes and the **"consultants to craft just the right message",** higher inflation will eat up any additional money, you fools. It will NEVER be enough because you killed the goose that laid the golden egg (e.g., free enterprise, the right to our labor, our business, our property and our body) with your illegal and unlawful and unconstitutional edicts from on high. If that doesn't spell bought and paid...I don't know what to say other than you have an optics problem and it doesn't bode well for any of you.

Remember 3 weeks to flatten the curve is now almost two years to kill the golden goose and you played your part in the cat game and mouse trap. What will happen in the next pandemic or emergency? The end result is that your actions brought about the place where this city is in and it's dire need to extrapolate even more cash from the pockets of its citizens. We know the trap you've laid and the part you played. And frankly the people of this good city will not soon forget it.

What about them surety bonds? Hm? I'm sure we the citizens could make a claim due to your incompetence and cowardice actions and your unlawful and failed policies to defend their rights as is your duty. Surety bonds and claims against your traitorous policies would do wise as a first move to remove you from your position. Maybe that might also help to make up the red ink you so wish to change in the wake of even more illegal actions on your part and the stealth fleecing of your citizens pockets via more taxation and the stack and pack sustainable world of slavery you are creating.

Let me give you a quote and I really want to know who this is quoting. Which one of you who sit on this city council/planning commission came up with this little ditty: "In late, February, the city will introduce the online simulation game "Balancing Act" (aka...cat and mouse) to engage the community housing discussion (like Pepé Le Pew?) in preliminary mapped areas of Clayton. The game allows the player to change densities on parcels (e.g., 3 to 30 units per acre) and identify other potential areas for consideration."

I for one will never play your sad little game of how to trap the mice. No cat and mouse game for me. No stack and pack buildings. No to any more units in this tiny city. No the earth is not the new God. No to the agenda. PS No to your bond measure too. If you want to know what is necessary to get out of the "RED INK" then look no further than your own illegitimate actions as a city council/planning commissioner to shut down the American people of this city with your madness from on high and your cowardice to make local control decisions in our city best interest that "defend the constitution and the bill of rights".

Instead of defending the people and following your oath you choose to follow the sustainable development leader of high kings and kingdoms by authorizing arrest and closing the doors of businesses by threat of the police force and fines. You are bought and paid and leveraged against us. The people of this city will not forget your lack of courage and your lack of common sense. Traitors one and all!

Regards,
Denise Pursche
(925) 693-0899

Are the Sustainable Development Goals legally binding?

> **No! The Sustainable Development Goals (SDGs) are not legally binding.**
> https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf

From: Pamela Wiesendanger
To: Housing Element; Dana Ayers
Cc: ptw306@comcast.net
Subject: Clayton Housing Element Response
Date: Saturday, April 2, 2022 11:21:28 AM

Good Morning,

As Clayton residents for the last 21 years, we would like to give our feedback for the Clayton Housing Element issue. We started the Clayton Housing Element simulation, but did not find a way to comment in general or suggest an area outside of the identified areas for the 570 units. Please factor in to the decision making our comments here instead:

- Do not change the Town Center zoning to include high density/multi-unit housing.
- Build only if Clayton is truly required by law.
- If required by law to build the additional housing, build only on the outskirts of town. And:
  Continue to include public input.
  Factor in the effects on infrastructure such as water, power, roads.
  Insure the city budget and services, like police and maintenance, can support the increased population and keep crime and traffic issues down.

Thank you,
Pamela & Brian Wiesendanger

From: Leonard Miglio
To: Dana Ayers
Subject: Re: Clayton Housing Simulation Now Available Online!
Date: Monday, April 4, 2022 6:32:21 AM

Good Morning Dana, I do not believe that Clayton can add over 550 homes to our community. The infrastructure does not exist and there are no benefits to Clayton residence and only benefits developers. I understand the State Leaders want to increase density and remove the single-family home with private backyards. I understand small communities are being blackmailed into cooperation. An environmental review will show that it takes us 20 minutes to get to highway 4 and I can get to Fairfield in 20 minutes when I am on 4. My nephew has moved to Green Valley because he can get to downtown walnut creek faster than getting on YVR. I would recommend everyone drive at 7:30 am down either YVR or Clayton Rd and see the school traffic and commute traffic. I had to leave at 7:15 to take my mom to an 8:00 appointment at Shadelands. Quality Of Life is the issue.
Thanks

From: Dana Ayers <danaa@claytonca.gov>
Sent: Thursday, March 31, 2022 5:07 PM
To: Dana Ayers <danaa@claytonca.gov>
Subject: FW: Clayton Housing Simulation Now Available Online!

Reminder-- the Balancing Act housing simulation will remain open and housing plans can be submitted through April 3!

From: Dana Ayers <danaa@claytonca.gov>
Sent: Friday, February 25, 2022 5:20 PM
To: Dana Ayers <danaa@claytonca.gov>
Subject: Clayton Housing Simulation Now Available Online!

The City of Clayton is pleased to announce a new opportunity for community engagement in the Housing Element Update for the 2023 through 2031 housing cycle!

Where would *you* put new housing in Clayton? Can you create a housing plan?

Every eight years, California cities update their housing plans and identify locations where their share of housing growth could be built.
Clayton must identify and zone enough land to accommodate at least 570 new residences, our share of the projected statewide housing need.

The City of Clayton invites you to participate in an online simulation that

challenges participants to create a plan for where the City's allocation of new housing units could be built.
We've identified potential sites, you select the densities that you think would create the best housing plan.

The simulation can be accessed through a desktop computer or mobile device and will remain open for submissions through April 3, 2022.

Check out the simulation online on the Housing Element webpage, or using the camera on your mobile device, scan the QR code in the attached announcement. And please share this announcement with your friends, colleagues and neighbors in the community!



Dana Ayers, AICP
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
Tel: 925-673-7343
Fax: 925-672-4917

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, February 22, 2022

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Vice Chair Miller led the Pledge of Allegiance.

3. ROLL CALL

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

4. PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

5. ACCEPTANCE OF THE AGENDA

There were no changes to the Agenda as submitted.

6. PUBLIC COMMENT

There were no public comments.

7. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of December 14, 2021.

Commissioner Cesarin moved to approve the minutes as submitted. Commissioner Hines-Shaikh seconded the motion. The motion passed 5-0.

8. STUDY SESSION

A. Status Report on the General Plan Housing Element Update for the 6th Cycle.

This is an informational session at which staff will provide an overview on the process to date with respect to the Update of the General Plan Housing Element for the 6th Cycle (2023-2031). In addition to reviewing the background and components of the Housing Element, staff will provide an explanation of next steps in the Housing Element Update, including the process for conducting required review of the Housing Element Update in accordance with the California Environmental Quality Act, and a demonstration of the next public engagement opportunity consisting of a housing planning simulation that will be posted to the City website at the end of February 2022.

Community Development Director Dana Ayers presented an overview of the State statutes pertaining to the Housing Element and California Environmental Quality Act (CEQA).

Commissioner Hines-Shaikh requested clarification on ministerial approvals and for examples of projects that could be considered ministerial. Director Ayers explained that projects that must meet prescribed standards without any discretion were considered ministerial. She gave building permits, small grading permits, and residential lot splits under Senate Bill (SB) 9 as examples of ministerial actions. She further explained that, with regard to the Housing Element and how CEQA applies to it, the entirety of the Housing Element and its selected sites and densities would need to be considered in the environmental analysis. While certain sites might qualify for ministerial approval, it was important not to isolate those sites as outside the scope of the Housing Element project and its Environmental Impact Report (EIR) analysis. However, she noted that future applications for residential development on sites identified in an adopted Housing Element could be considered not subject to CEQA if they qualified for a specific exemption or, if subject to CEQA, could build on the broader environmental analysis provided in the Housing Element EIR.

Commissioner Hines-Shaikh also asked about the State Housing and Community Development Department's (HCD) inclusion of Extremely Low-Income as an income category for housing allocation, and whether the City's allocation for affordable housing had been modified to include an assignment for Extremely Low-Income households. Director Ayers advised that in the current cycle, Extremely Low-Income units were included within the Very Low-Income category allocation. She was unaware of any new category being created with a new housing allocation specific to the Extremely Low-Income category but would further research the question.

Vice-Chair Miller inquired about the relationship between density and income level for the Regional Housing Needs Allocation (RHNA). Director Ayers explained that density could be an indicator for affordability level and, more specifically, that units designated for sites zoned with a density of 20 or more units per acre in Clayton could be counted toward the City's Low-Income allocation.

Chair Denslow inquired about the mechanisms available to ensure that a certain number of units are built as Low-Income units. Director Ayers suggested that a site could have an overlay zoning district with affordability requirements or, if the site was controlled by the City, the City could specify terms of affordability in the disposition of the site to a private developer.

Chair Denslow then requested clarification on when exemptions from CEQA could be applied, and how the Initial Study Checklist in CEQA Guidelines Appendix G relates to CEQA-exempt projects. Director Ayers advised that review of a project for a CEQA exemption may not require completion of the Initial Study Checklist but still required at minimum a cursory review of the project against the resource areas in the Checklist. She explained that exemption classes included a caveat that the project had no other impacts. She gave a hypothetical example of a project that was under 5 acres in size and located on an infill site—a project, which at first review might fit within a CEQA exemption class. In that hypothetical example, however, if that project was going to demolish an identified historic resource, it would have a potentially significant impact on historic resources and would not qualify as exempt from CEQA.

Chair Denslow then asked how the EIR process could commence while the Housing Element and its housing site inventory were still being prepared. She confirmed with staff that the commencement of the EIR should not be an indication to the public that the scope of the Housing Element was set and that no further public comment would be invited. Director Ayers further clarified that "the project" that would be described in the Notice of EIR Preparation and analyzed in the EIR assumed high densities of development across most of the specified sites in the preliminary inventory but that, as the analysis in the EIR was prepared and through the public input process of the Housing Element, alternatives would be developed and their environmental impacts would be compared against the project. At the end of the EIR process, the City Council would decide whether to approve "the project" or one of the alternatives as the updated Housing Element.

Chair Denslow confirmed with staff that the progress on the Housing Element Update was aligned with the schedule in the consultant's proposal approved by the City Council at their May 18, 2021 meeting.

Chair Denslow invited any member of the public in attendance to ask questions of staff. Alice Bristol asked if all of the housing in the project was proposed to occur on one site. Director Ayers advised that the Housing Element would include potential housing units on multiple sites, and Chair Denslow further clarified that the "project area" for the Housing Element was the entire City rather than one discreet location within it.

Director Ayers then shared with the Planning Commission a demonstration of Balancing Act, a public engagement and housing planning simulation tool that staff planned to make available to the public within the week.

Commissioner Gavidia asked why the simulation set a maximum density of 30 units per acre instead of 50 or 100 units per acre. Director Ayers responded that 30 units per acre was closer to the adopted General Plan, which had a maximum density of 20 units per acre, rather than 50 or 100 units, and that in setting the density in the simulation, staff chose a density that staff believed was more in line with community preferences. Commissioner Gavidia confirmed with staff that any density above 20 units per acre would require a General Plan amendment, which was what the Housing Element Update was but that, with that amendment, the Council could set a higher maximum density. He did not think that the problem could be solved with a limitation on density. Director Ayers stated that the 30 unit per acre maximum in the simulation was not intended as a recommendation on a maximum, but the simulation would give decision-makers and staff an idea of where in the City people were comfortable with higher densities versus lower densities of housing. The Planning Commission and City Council could choose to set a maximum density in excess of 30 units per acre when they took action on the Housing Element Update.

Commissioner Hines-Shaikh confirmed with staff that it was not possible to add a site to the simulation that was not already there, but that participants could submit comments inside the simulation making suggestions about other sites that could be included in the inventory.

Commissioner Cesarin asked how the simulation would be weighted in the preparation of the Housing Element Update. He also said he understood Commissioner Gavidia's comment about maximum density in the simulation, but that it made sense to him why staff chose a maximum density that was based on adopted policy in the General Plan, and he understood the intent of the simulation to indicate preferences for higher or lower densities. He confirmed with staff that the results of the multiple plan submissions would be summarized in a spreadsheet of data about each site.

Vice Chair Miller confirmed with staff that the data from the simulation could be represented graphically in addition to a spreadsheet. He also confirmed with staff that the General Plan land use designations and zoning classifications could establish minimum densities for sites. He thought that minimum density was a good idea and could temper the City's RHNA buffer somewhat if it is known that a certain minimum number of units would be built on a site. Vice Chair Miller also confirmed with staff the State statute with respect to sites that have been in two housing cycles but remain unbuilt, that they must be zoned in such a way that at least 20 percent of the units are affordable to Low-Income households, which could be achieved by zoning the site for a minimum 20 units per acre. He suggested that smaller developments like accessory dwelling units and urban lot splits could help to contribute to the RHNA. He felt it worth repeating a comment made by staff at the January 4, 2022 City Council meeting that, for those types of projects, historical data is valuable in predicting justifiable future trends for that type of development during the next housing cycle. If the City over-predicted development of that type toward meeting its RHNA, the City could risk losing land use authority later because of a lack of progress toward meeting its projected housing targets. He thought there would be future opportunities to think outside of the box on how to approach the RHNA with smaller residential developments.

Commissioner Gavidia asked if people could identify sites other than the ones included in the simulation. Director Ayers responded that the simulation was limited to a prescribed list of sites that were designed into the program, but that discussion of the Housing Element was ongoing, and people could submit letters or emails to staff identifying other potential housing opportunity sites. He asked what tools or incentives the City could offer developers to build housing, suggesting that a variance or tax incentive was not going to be enough to motivate a housing developer. He reiterated that the problem has been going on for a long time.

Chair Denslow asked Commissioner Gavidia to clarify what he meant about "solving the problem," and whether he was referencing an insufficiency in housing or not meeting RHNA numbers. Commissioner Gavidia responded that he was referencing solving the problem for the City of Clayton. Housing Elements must be updated every 8 years but that, in the 20 years he has lived in Clayton, not much housing has been built. He expressed concern that the situation would continue to be a problem for the City and questioned how the City would incentivize a developer to build housing since rezoning land has not been enough.

Chair Denslow confirmed with staff housing projections are updated with each 8-year housing cycle and that, even if units are built, a new allocation for housing will be assigned to the City for the next cycle. She said she was still unclear on the problem to which Commissioner Gavidia was referring.

Commissioner Gavidia suggested rezoning land for a large buffer over the RHNA of 570, up to 1,000 or 2,000 units possibly, so that the problem goes away for a little while and does not come back to haunt the City. He suggested creative solutions, and he anticipated further upzoning of sites would be necessary. He suggested that if people knew the maximum density allowable, then they could then share where they would want the housing, and then the City could try to find a way to get the units built. He would like people to have the opportunity to identify other sites beyond the ones identified in the simulation, and he preferred a very larger buffer to the RHNA so that, at least for the next 15 to 20 years, there would not be a problem.

Chair Denslow confirmed with staff that drastic changes in upzoning of sites could be perceived by HCD staff as unrealistic and put at risk HCD's certification of the Housing Element. Director Ayers referred to State statute specifying that an agency must commit to implementing its Housing Element and that, if land values in Clayton have not supported 100 units per acre in the recent past, HCD could find such a dramatic upzoning to be questionable. Chair Denslow asked how many times a draft Housing Element could be resubmitted for review to HCD before the January 2023 deadline to approve the Housing Element. Director Ayers stated that her memory was not clear on the statute, but that she believed agencies had to complete their processes within 1 to 3 years of the deadline.

Vice Chair Miller questioned whether higher density directly corresponded to an increase in developer profit. Commissioner Gavidia said that it did, and that larger companies could borrow money at cheaper rates than smaller developers. He reiterated that he would like the land use scenarios in the Housing Element to include very high densities and greater building heights. If the City was going to solve the problem, it had to be realistic.

Chair Denslow confirmed with staff that the solution to the housing problem would not be a one-time and indefinite fix, but rather that new housing unit allocations would be assigned to each jurisdiction at the start of every 8-year housing cycle, regardless of how many units of the preceding cycle's allocation were built. She also clarified with staff that the simulation would not produce a single or best housing plan from among the submissions, but that the multiple results of the submissions would give decision-makers an idea of where in the City participants felt more comfortable with higher density developments. Decision-makers would then review the results of the simulation, along with written comments outside of the simulation, to evaluate more refinements of the housing plans to include meeting income level allocations that were not as easily accommodated in the simulation. However, because State law recognized densities of 20 or more units per acre as being affordable to Low-Income households, where responses

indicated a level of comfort with higher densities on a site, the Commission could consider possibly including the units planned on that site toward the City's Low-Income unit allocation.

Commissioner Cesarin said he understood the simulation was not intended to direct the Housing Element but was intended to give staff an idea of what the City was feeling with respect to housing. He said that putting much higher numbers into the simulation than were in the adopted General Plan did not make sense to him, but he recognized staff could make a future recommendation to increase density in an area where staff received community input in support of that. He inquired about whether the City had done an analysis of what barriers, such as utility connection costs, were discouraging property owners from constructing accessory dwelling unit (ADUs).

Commissioner Hines-Shaikh stated that the State was setting aside a large budget allocation, sponsored by Assembly Member Phil Ting, to incentivize ADU construction. She emphasized the importance of letting people know about the availability of these funds. She suggested pursuing community input on whether residents in the community would be interested in building an ADU and whether cost was the barrier for them. Director Ayers added that the City had been awarded grant funds in 2020 to develop a pre-approved ADU program that could result in reduced architectural design and plan check costs for people interested in building an ADU.

9. ACTION ITEMS

None.

10. COMMUNICATIONS

Vice Chair Miller encouraged people to submit written comments on the Housing Element.

Chair Denslow thanked staff for answering the various questions from the Commissioners, and she encouraged interested parties to review the Housing Element webpage on the City website and to reach out to staff with any questions throughout the Housing Element process.

Director Ayers advised that City Hall was re-opened to the public and that staff anticipated in-person Planning Commission meetings to resume in April. She reported that meetings would have a hybrid format where people could attend in person or could continue to participate remotely using the Zoom web conferencing platform. She advised that meeting guidelines for Hoyer Hall would be the same as they were for City Hall, wherein unvaccinated individuals would be required to wear a mask and unvaccinated individuals had the option to wear a mask.

Chair Denslow referenced the last City Council meeting at which the Mayor announced a request for volunteers to hand out flyers pertaining to the Housing Element and Clayton Cares program. Director Ayers advised that the Mayor intended to post details of the volunteer opportunity on his social media site and suggested interested individuals check there.

11. ADJOURNMENT

The meeting was adjourned at 9:28 p.m. to the next regular meeting of the Planning Commission on March 8, 2022.

Respectfully submitted:



Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:



Terri Denslow, Chair

Appendix C

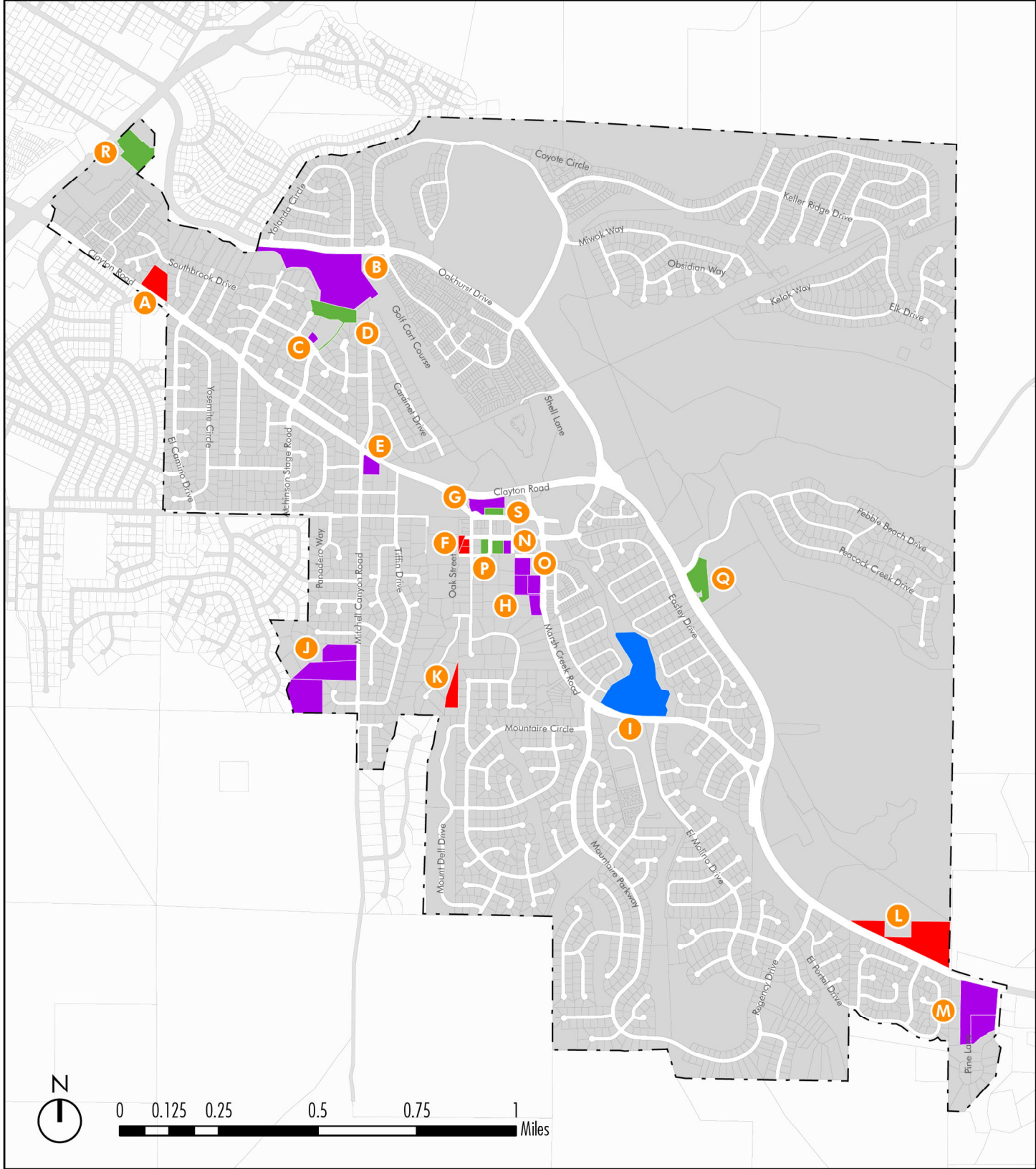
City of Clayton Preliminary 6th Cycle Sites

Preliminary 6th Cycle Sites (685 Units)

- A 26 Units (20 du/ac)
- B 35 Units (5 du/ac)
- C 1 Unit (3 du/ac)
- D 8 Units (3 du/ac)
- E 21 Units (20 du/ac)
- F 14 Units (20 du/ac)
- G 33 Units (20 du/ac)
- H 23 Units (20 du/ac)
- I 132 Units (10 du/ac)
- J 21 Units (5 du/ac)
- K 4 Units (3 du/ac)
- L 7 Units (1 du/ac)
- M 161 Units (20 du/ac)
- N 20 Units (20 du/ac)
- O 81 Units (20 du/ac)
- P 9 Units (20 du/ac)
- Q 51 Units (20 du/ac)
- R 27 Units (20 du/ac)
- S 11 Units (20 du/ac)

Previous/New Cycle Sites

- Previous 4th Cycle Site
- Previous 5th Cycle Site
- Previous 4th and 5th Cycle Site
- New 6th Cycle Site



December 2021

CITY OF CLAYTON

MIG

Housing Element Map-Based Survey Summary

INTRODUCTION

In 2021, the City of Clayton began updating its Housing Element, a mandatory element of the General Plan, to identify goals and policies that will guide long term decision making around housing throughout the City. As part of the planning process, the City conducted an online survey, inviting community members to provide input on preferred uses for a vacant site in Downtown, as well as citywide housing issues and challenges, and possible strategies for the Housing Element update. The input received will help plan for the future, set priorities and create policies for growth in the community over the next eight years. This document summarizes the questionnaire methodology and key findings.

METHODOLOGY AND OUTREACH

The online questionnaire was available from November 3 to December 13, 2021. It included several questions focused on housing issues and challenges, possible strategies and solutions for the City, locations for new housing, the community vision and goals, and optional questions to gather demographic information.

The questionnaire was available in English and was accessible online. The City of Clayton promoted the questionnaire through its website and social media channels, at public meetings and facilities, and through the Concord Clayton Pioneer. City Council Members, Planning Commissioners and community groups were encouraged to share the link on their social media channels and with their email lists as well as colleagues, friends and neighbors.

While survey results should not be interpreted as statistically representative, the results help to identify common and shared themes, concerns and priorities. This document summarizes the survey results and key findings. Appendices provide documentation of the survey questions, responses, and additional comments received.

The survey was accessed over 450 times online, demonstrating a wide reach and successful publication. Fewer people finished the survey or answered every question. All questions were optional. The number of respondents for each question is included below.

KEY FINDINGS

The City of Clayton Housing Element update survey provided insights into community priorities and needs. The following are notable results and themes from the questionnaire results.

- Over half (56%) of respondents said they were in favor of the potential growth increase in housing units in Clayton. Most of those in support of more housing also indicated concerns about possible impacts of growth.

Survey Summary

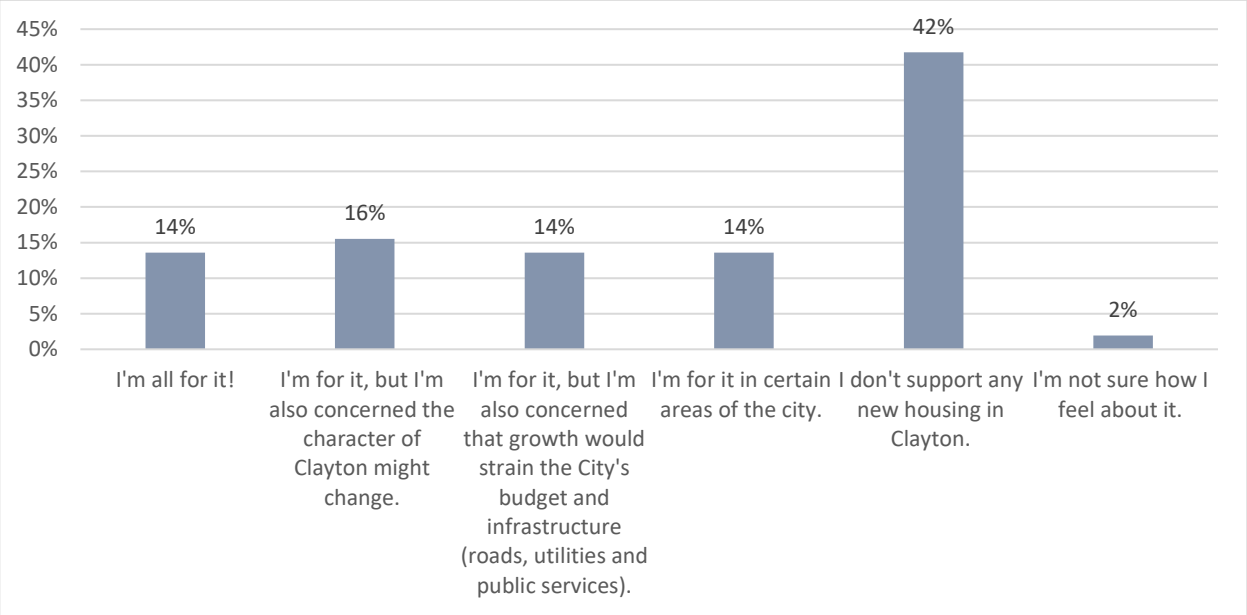
- When asked to rank the importance of housing issues and challenges in the City, respondents listed traffic and congestion (69%), preserving community character (67%), limited infrastructure (65%), and overcrowding (64%) as the top issues with a 10 out of 10 ranking.
- A lack of diverse housing options (34%) and housing supply (30%) were the least important housing issues with several participants ranking these issues 1 out of 10.
- When asked to rank the strategies or solutions that are appropriate for Clayton, participants indicated that supporting homeowners who want to build ADUs or in-law units on single-family lots (38%) and encouraging the rehabilitation of existing housing in older neighborhoods (21%) were the top options with a 10 out of 10 ranking.
- Providing shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing (48%) and targeting efforts to address long-term inequities in the housing market (42%) were the least important strategies with several respondents ranking these issues 1 out of 10.
- A quarter of respondents indicated that new housing should blend in with the character of surrounding neighborhoods (25%) and nearly a quarter of respondents said that new housing should be located where it will have the least impact on traffic in Clayton (22%).

FULL SURVEY RESPONSES

INTRODUCTORY QUESTIONS

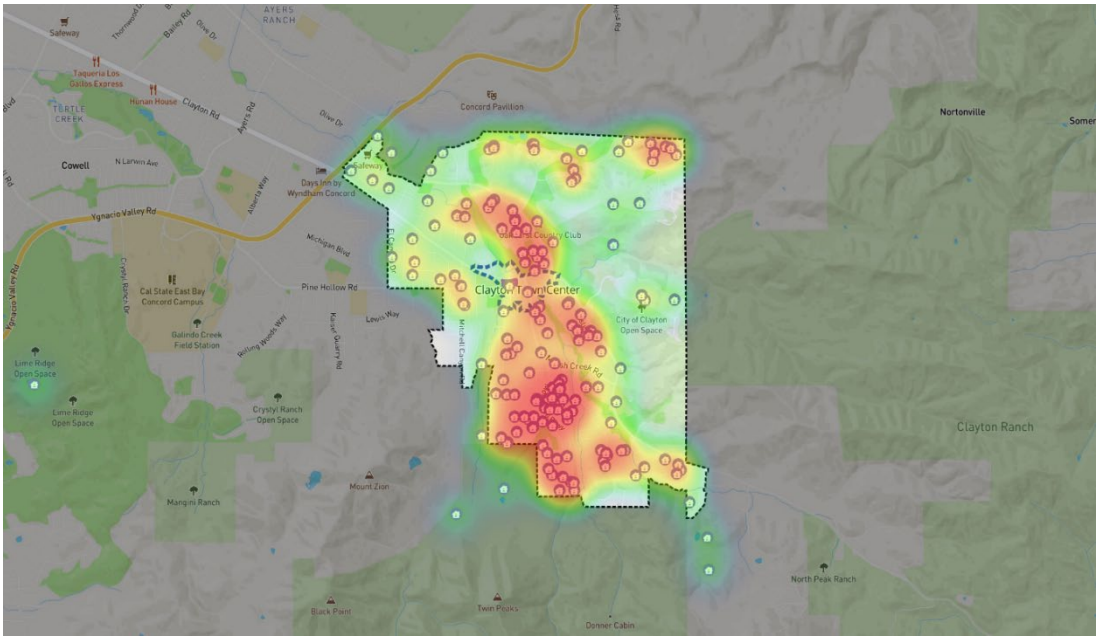
When asked about new housing growth over half (58%) of respondents said they were in favor of the potential growth increase in housing units in Clayton, while 42% indicated they did not want to see any new housing. Many of those supporting growth indicated concerns, including impacts to community character and increased strain on city infrastructure and budgets, while others supported growth in certain areas of the city.

Figure 1: "What do you think about the potential growth increase in housing units in Clayton?"



The first map-based questions asked participants to indicate where they live. This question allows the project team to assess the geographic reach of the questionnaire. Figure 2 below is a "heat map" showing the distribution of respondents. The areas of more intense color (orange and red) indicate a higher concentration of respondents.

Figure 2: "Where do you live?"



LOCATIONS FOR NEW HOUSING

The next two questions asked survey respondents to indicate what general areas and what sites they think would be appropriate for new housing. These are represented by polygons (Figure 3) that people drew, as well as a heat map (Figure 4) that shows specific locations or sites indicated by map pins.

Figure 3: Areas for New Housing

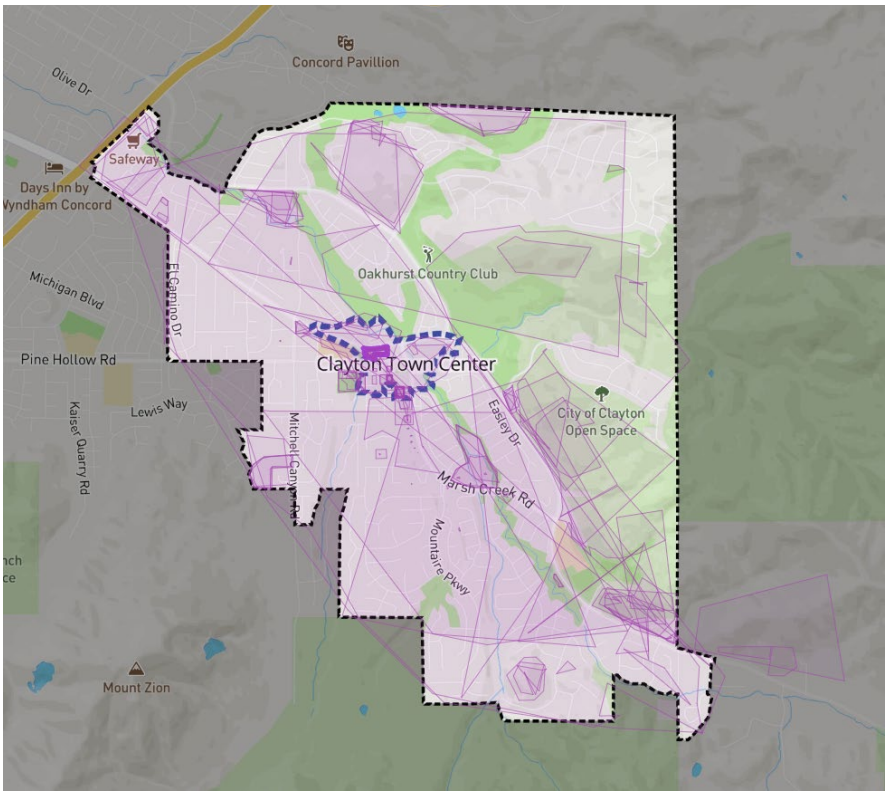
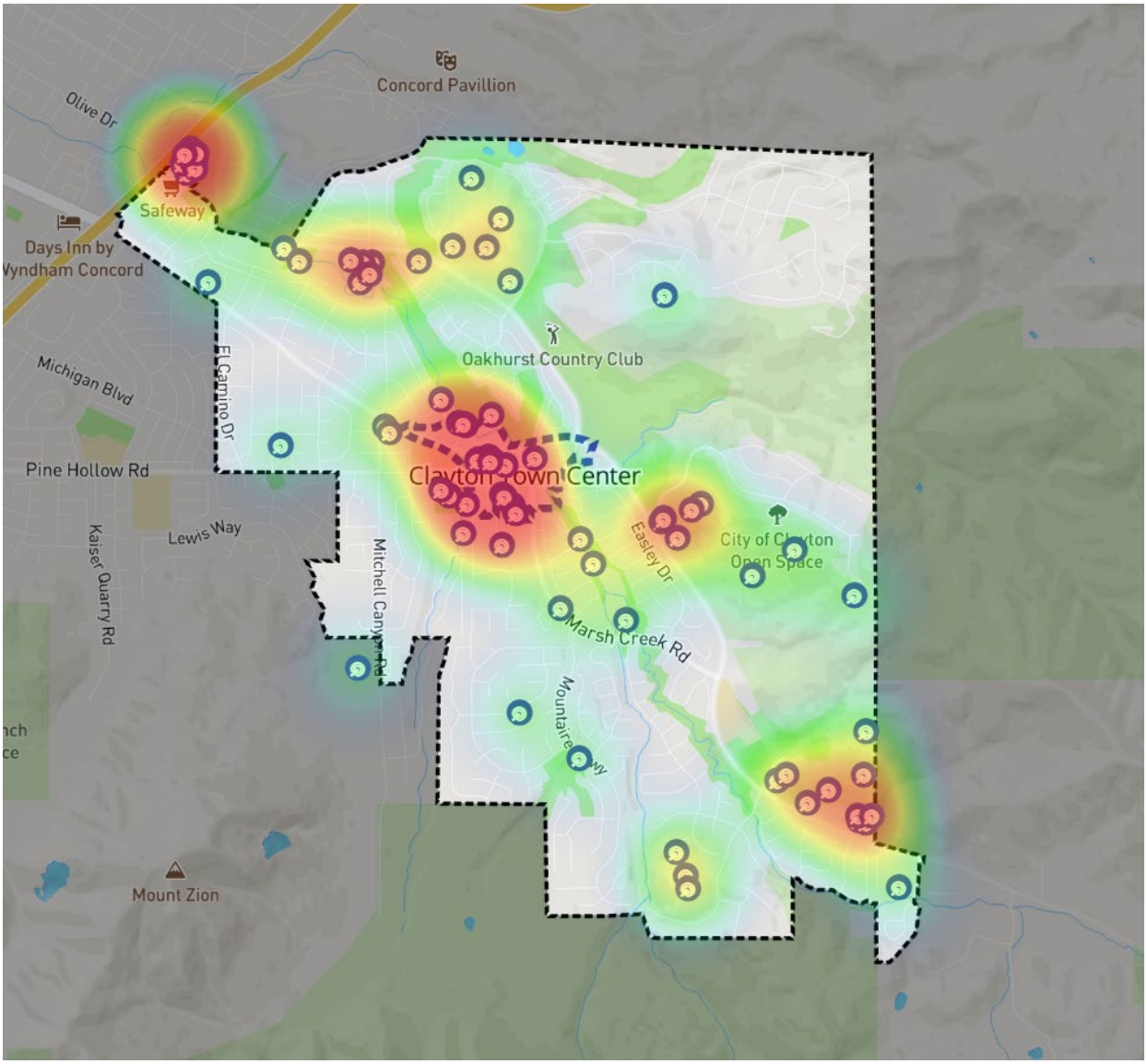


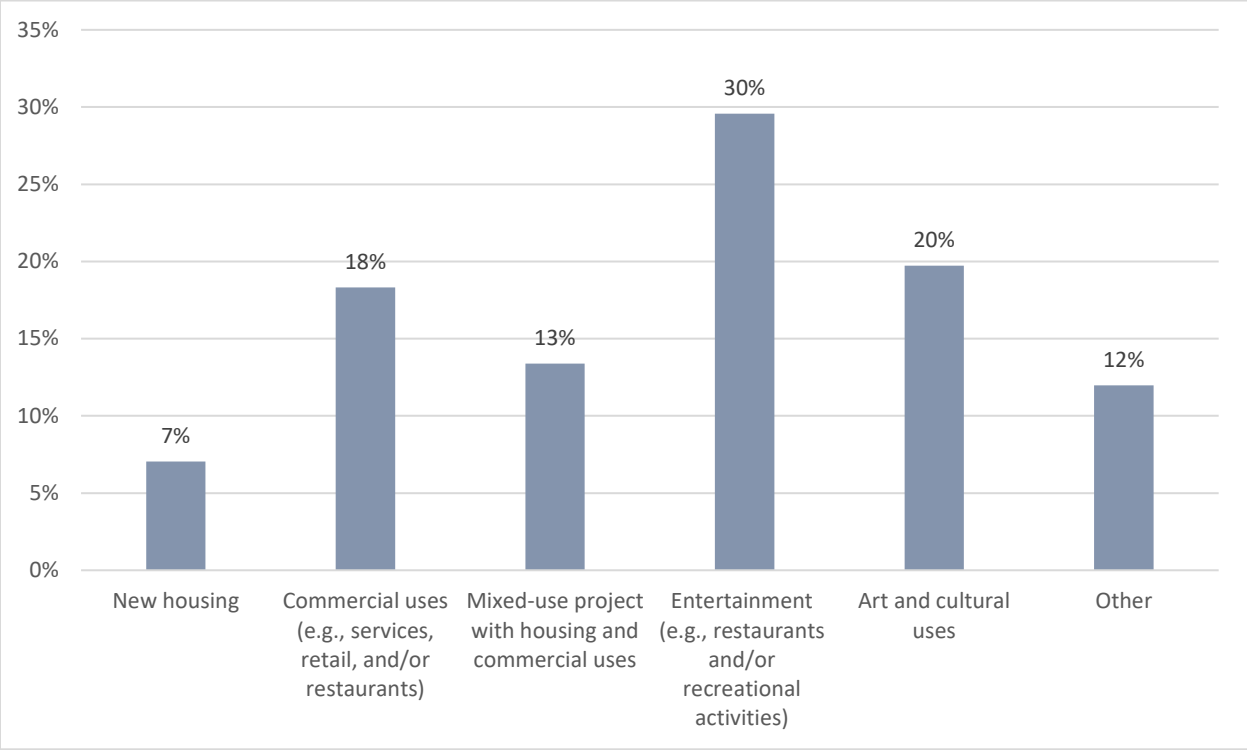
Figure 4: Sites for New Housing



DOWNTOWN SITE

Survey participants were asked to indicate their preferred uses for the vacant City-owned Downtown site. They were able to select from a list of potential land uses and/or submit a photo that illustrated their ideas. Those who answered this question were most supportive of entertainment and commercial uses, specifically mixed-use projects with retail, mixed-use projects with dining, retail uses, and a grocery store.

Figure 5: What would you like to see at the Downtown Site?



Follow-up questions asked about support for specific housing types, commercial uses, and mixed-use projects using photos to illustrate the type of use shown. Of the housing products shown, duplexes and townhomes received the most support (indicated by scores of 8 and above), but each type also received a similar number of "do not support" responses (scores of 3 or below). A score of 5 indicated a neutral position. Results are shown in Figures 6-14 below.

Figure 6: Support for New Duplexes

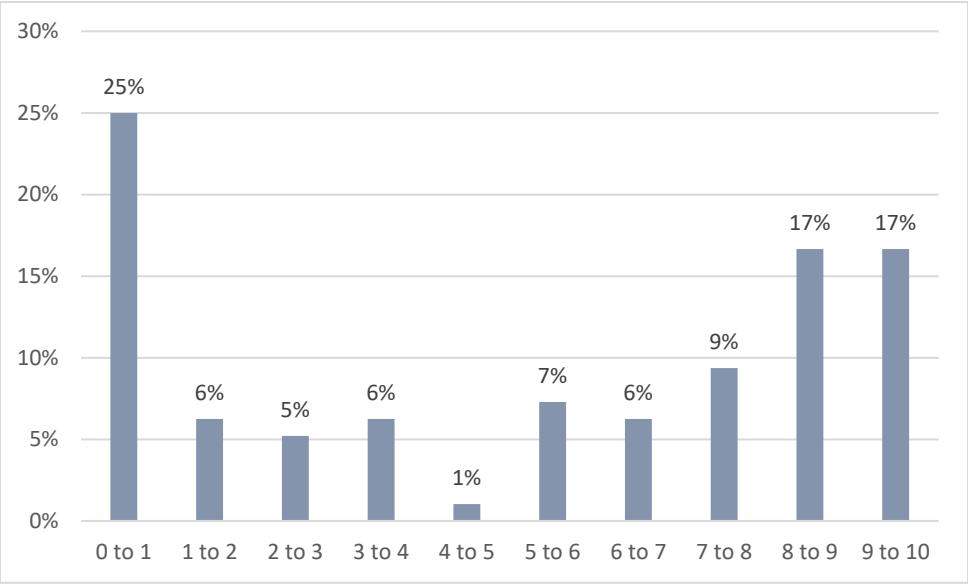


Figure 7: Support for New Townhomes

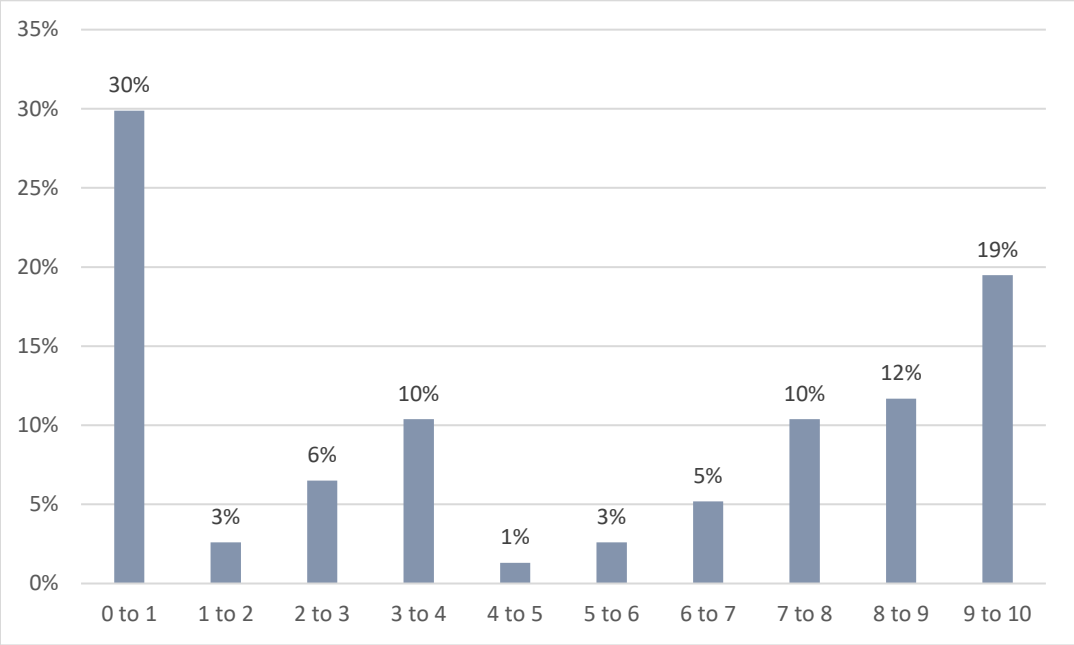


Figure 8 Support for New Apartments or Condominiums

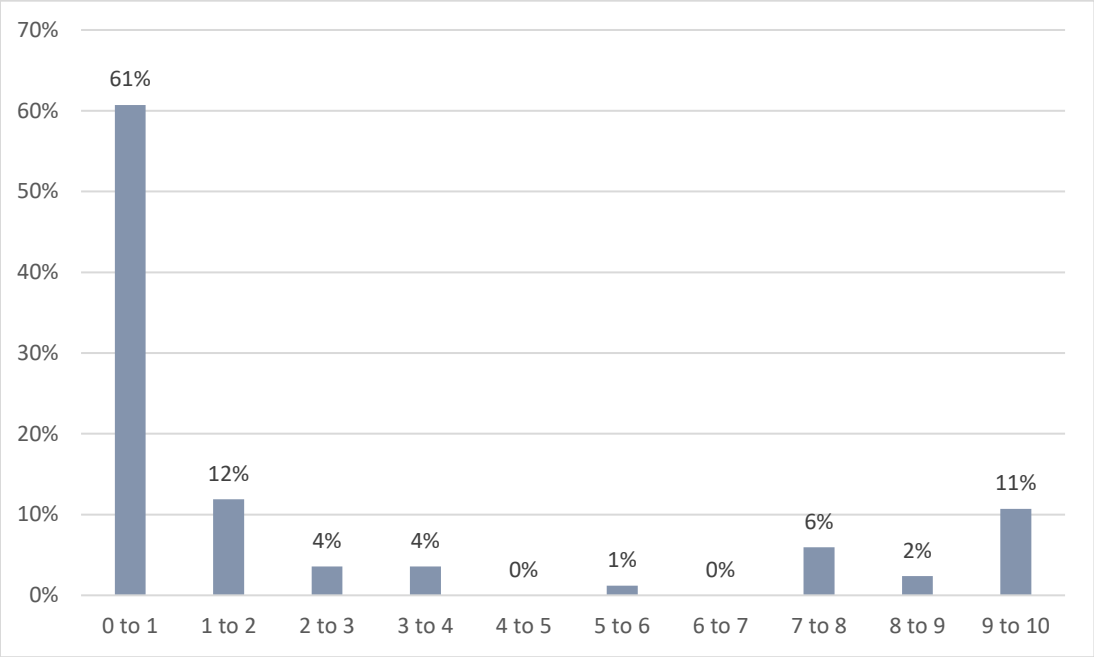


Figure 9: Support for Mixed-Use Housing with Retail

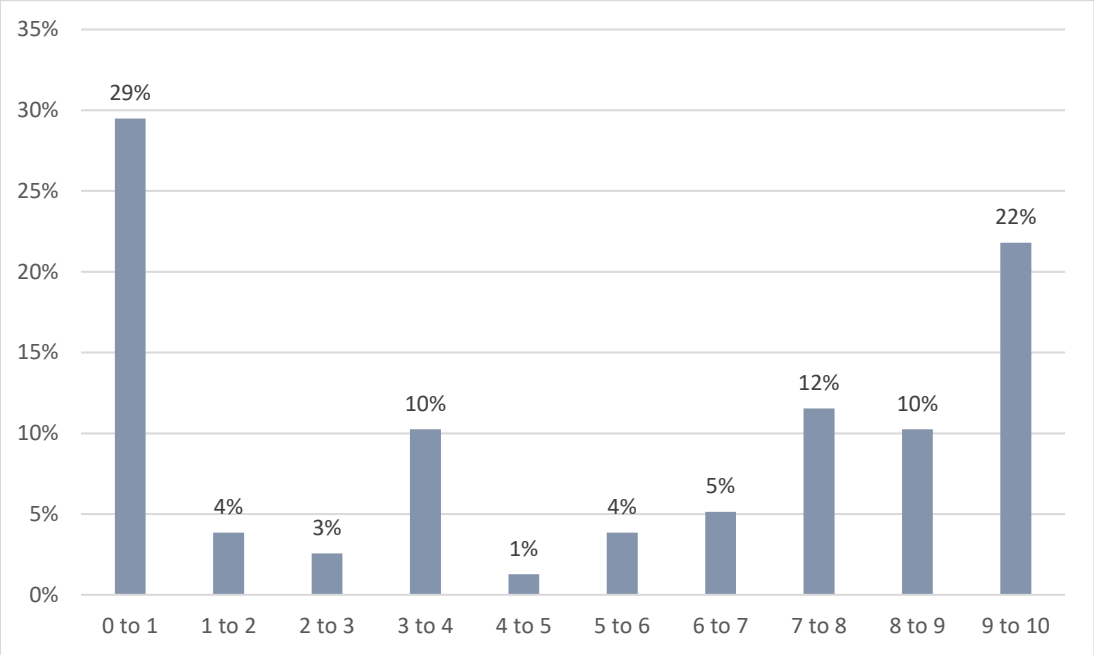


Figure 10: Support for Mixed-use Housing with Dining

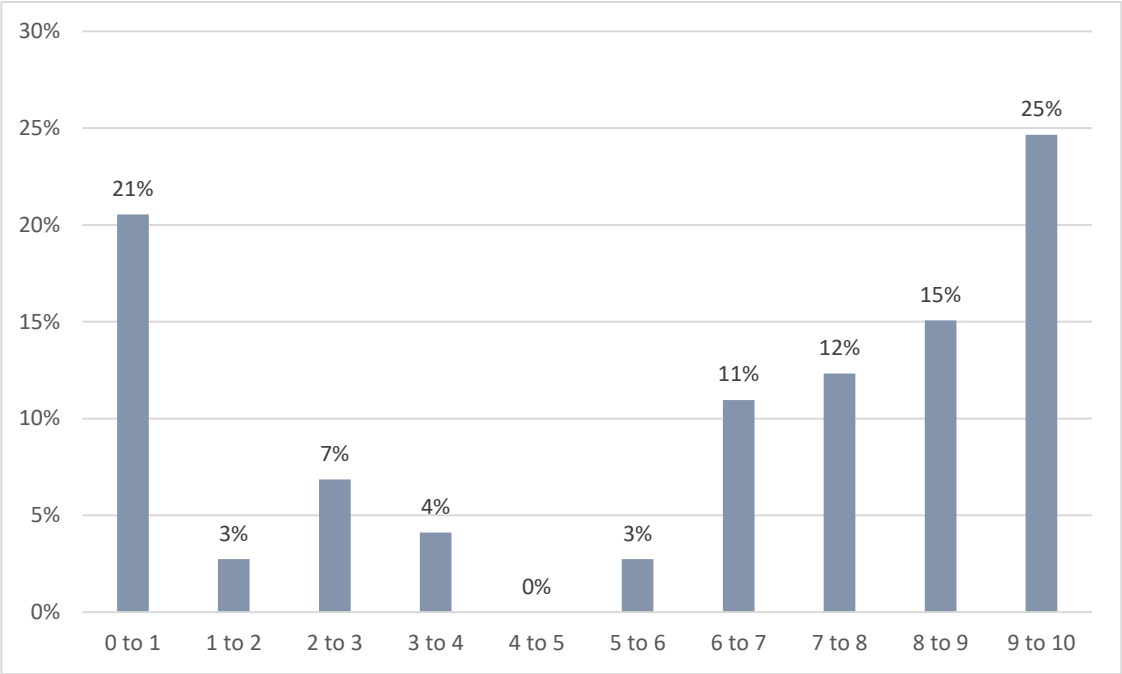


Figure 11: Support for New Retail

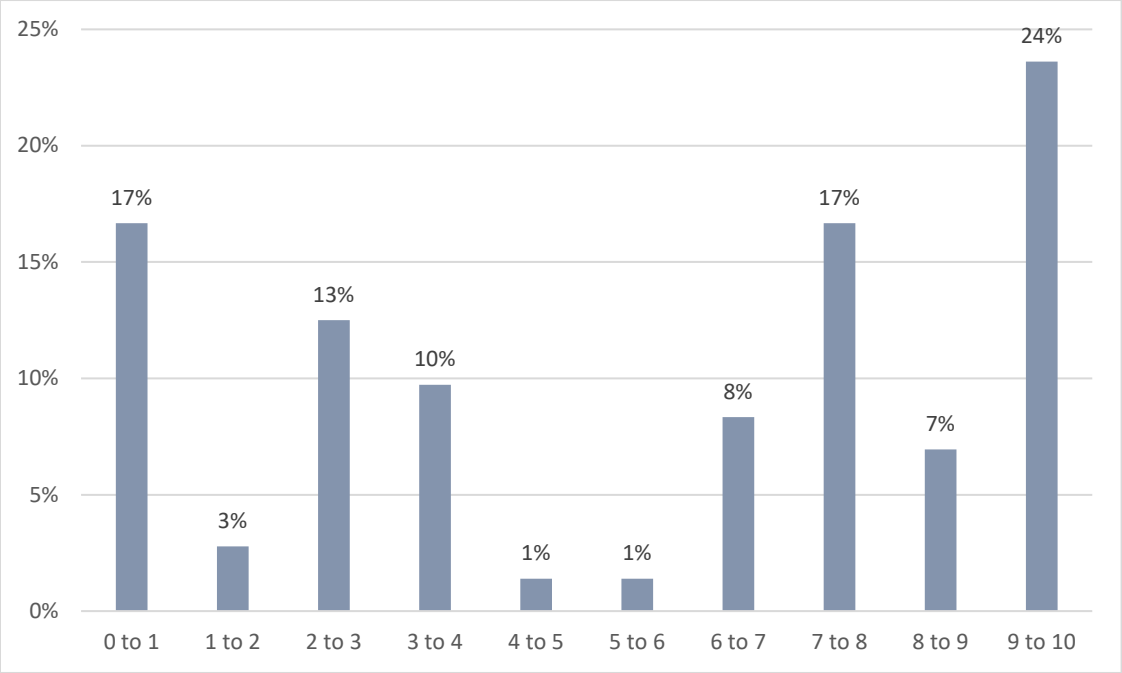


Figure 12: Support for new Commercial (Office) Spaces

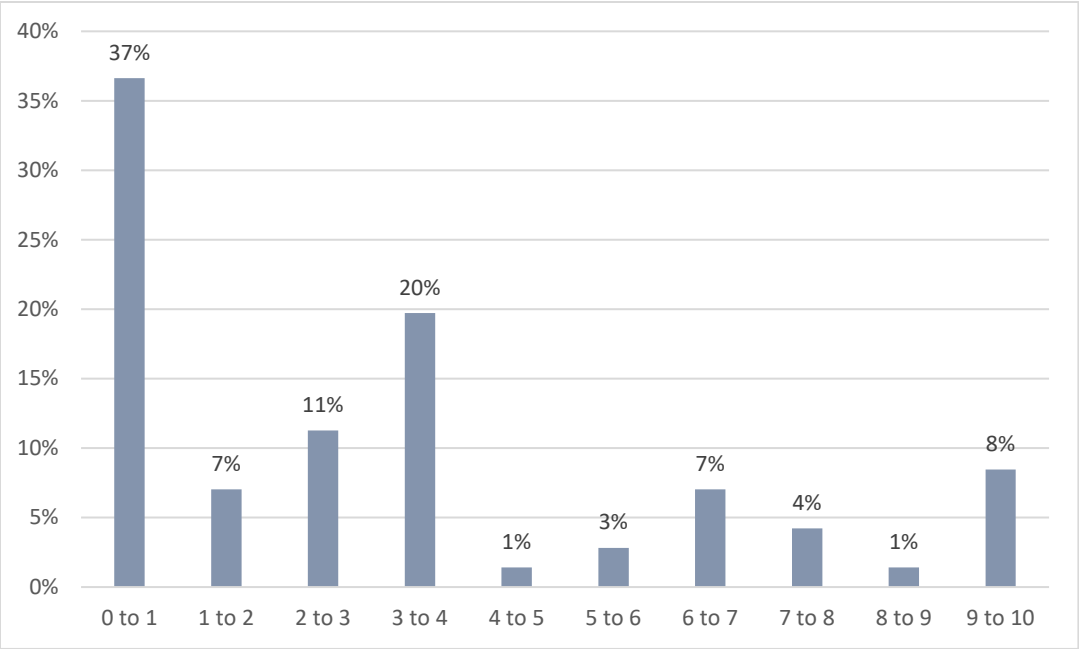


Figure 13: Support for New Grocery Store

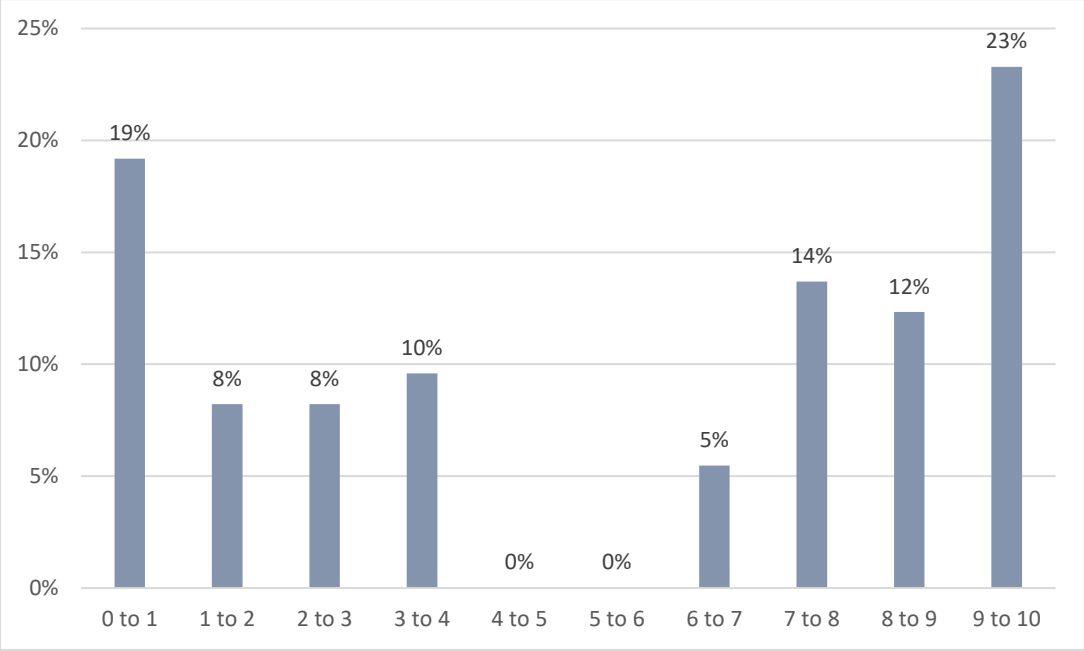
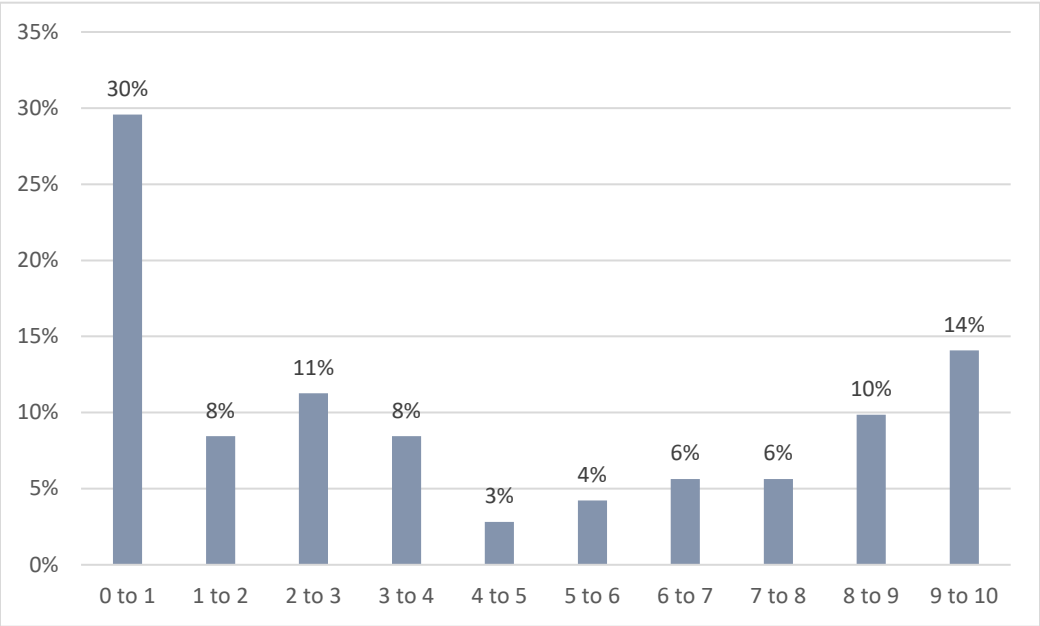


Figure 14: Support for New Entertainment/Arts Center



COMMUNITY VISION AND GOALS

Respondents were asked to indicate the importance of housing issues and challenges in Clayton using sliders ranging from 0 (not at all important) to 10 (very important). If the issue/challenge was neither important nor unimportant to a respondent, the slider would be left at 5. Figures 15 through Figure 24 below illustrate respondent's rankings for each issue

Figure 15: Housing Supply

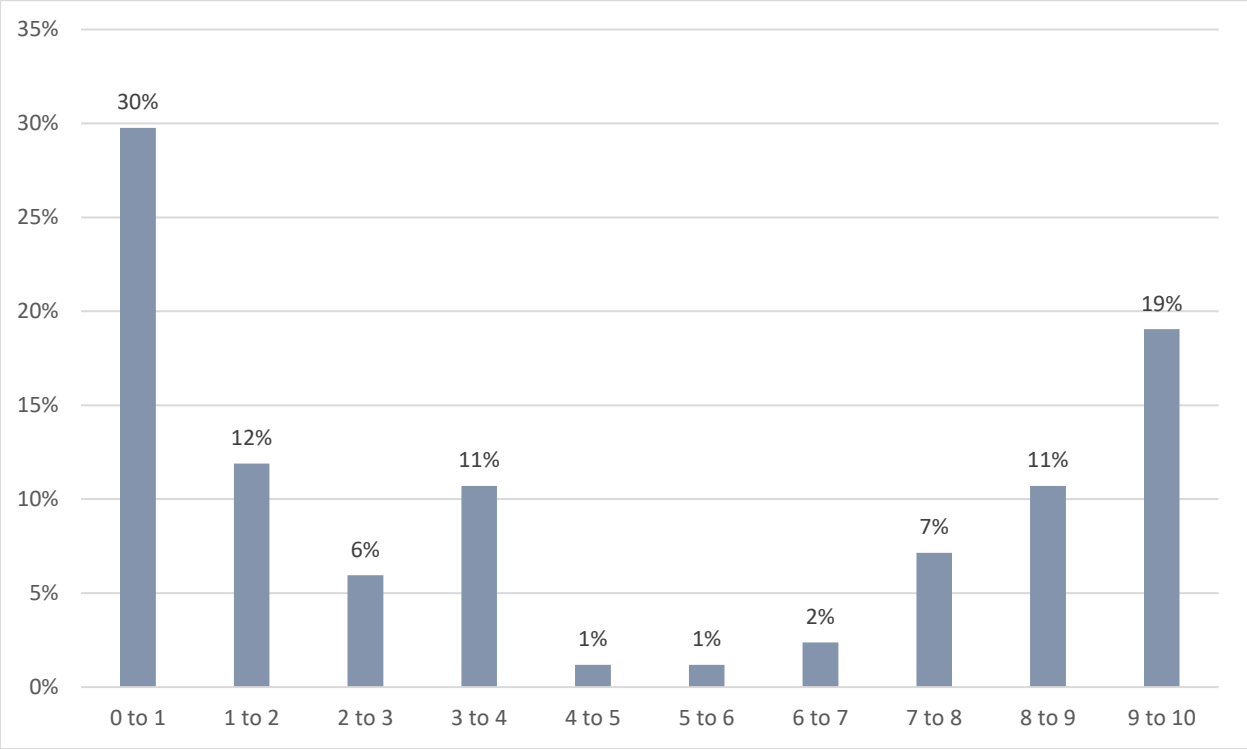


Figure 16: Housing Affordability

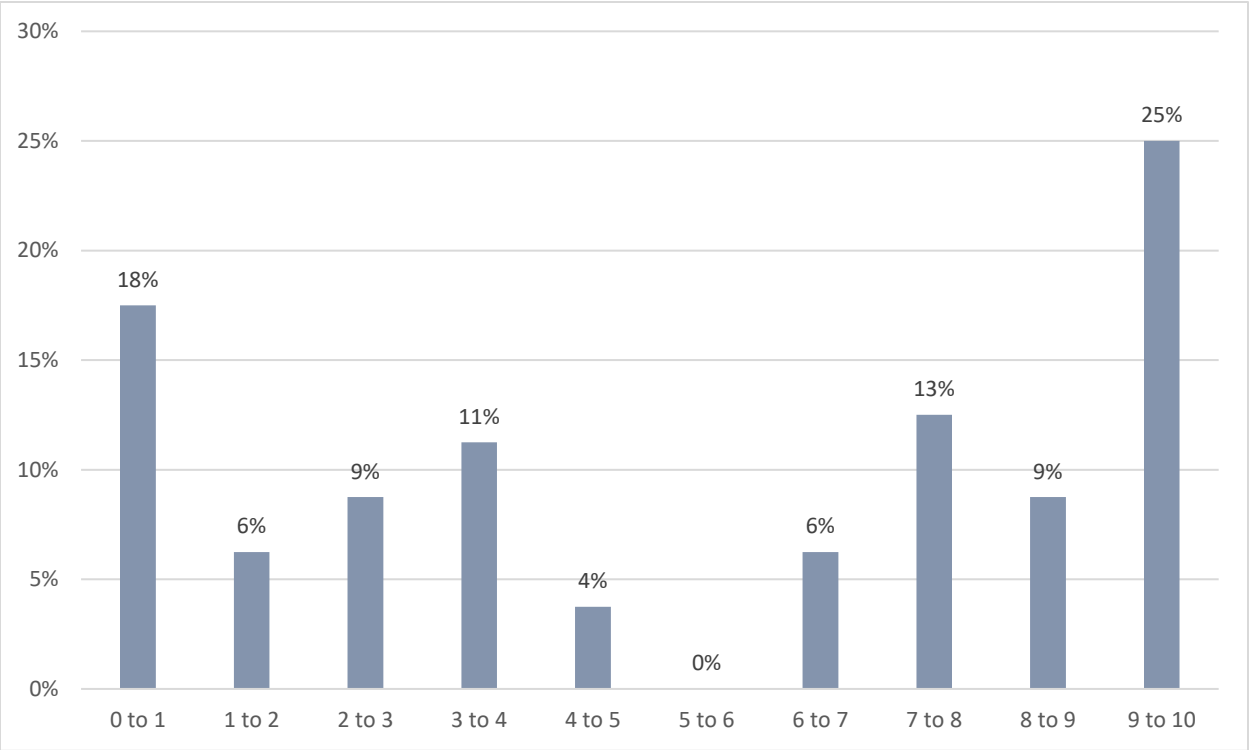


Figure 17: Overcrowding

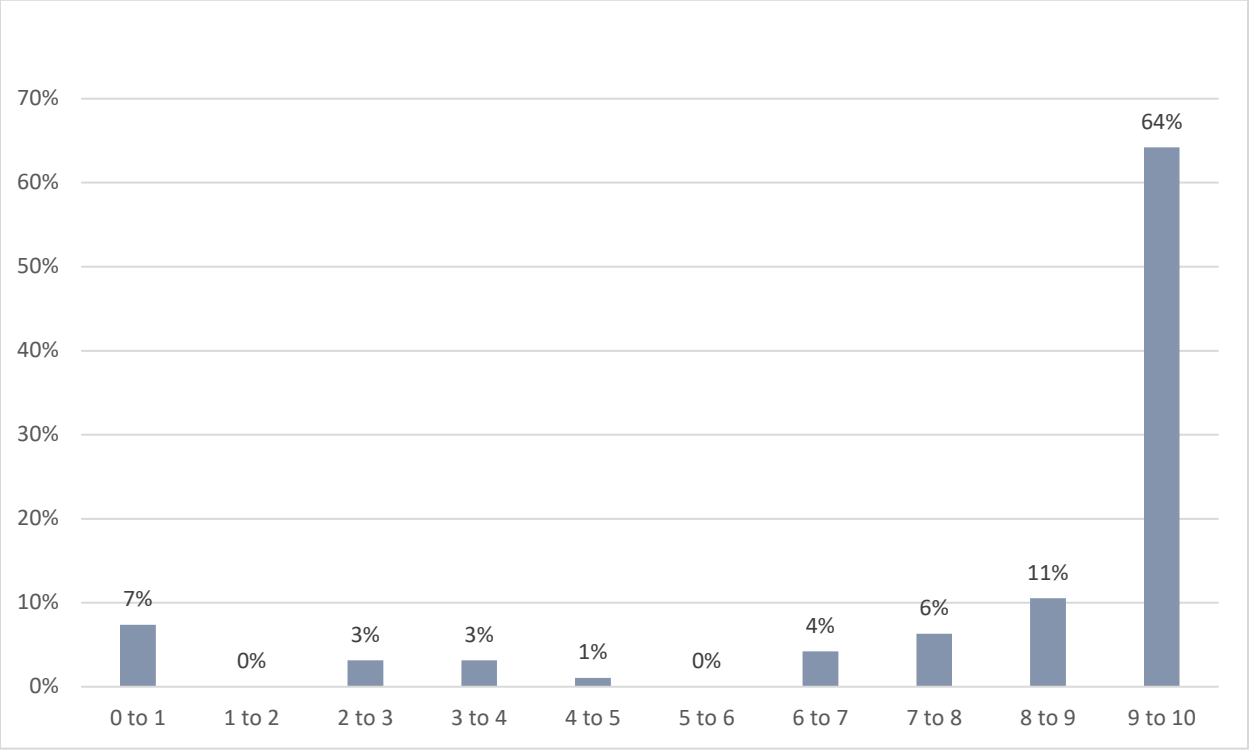


Figure 18: A Lack of Diverse Housing Options

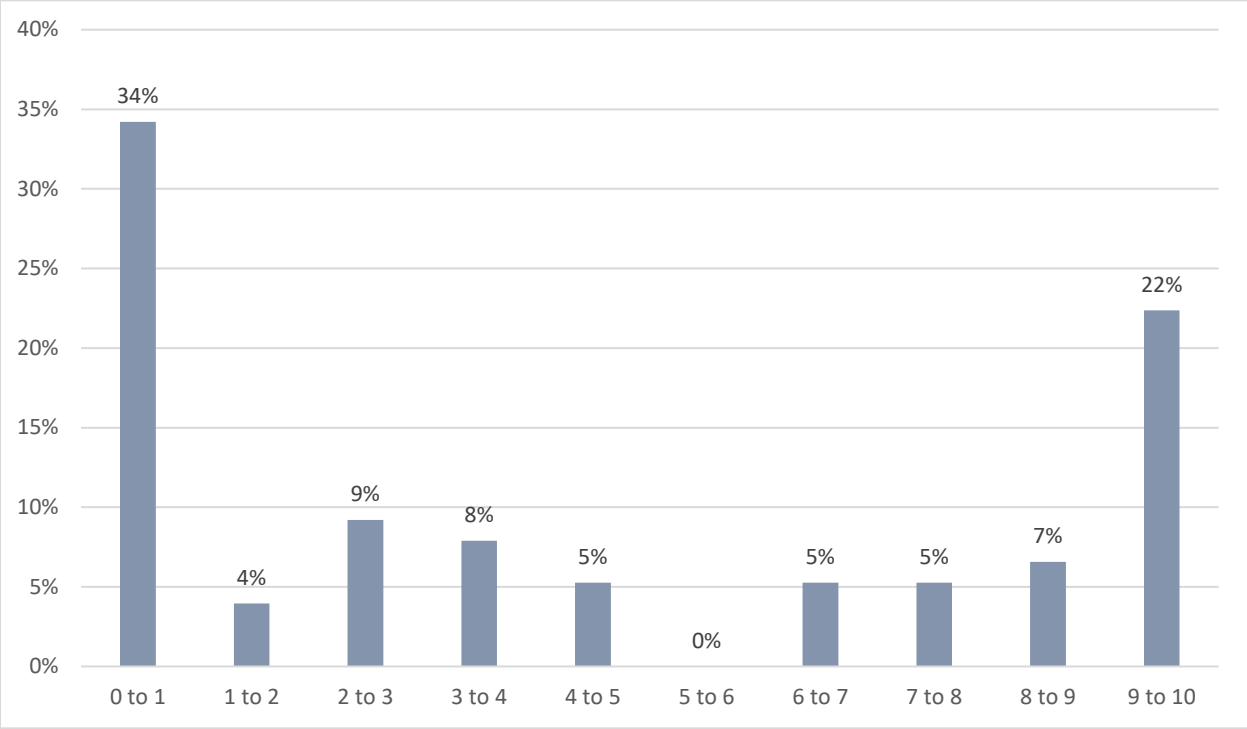


Figure 19: Fair Housing Issues (e.g., discrimination, inadequate accommodations for people with disabilities, etc.)

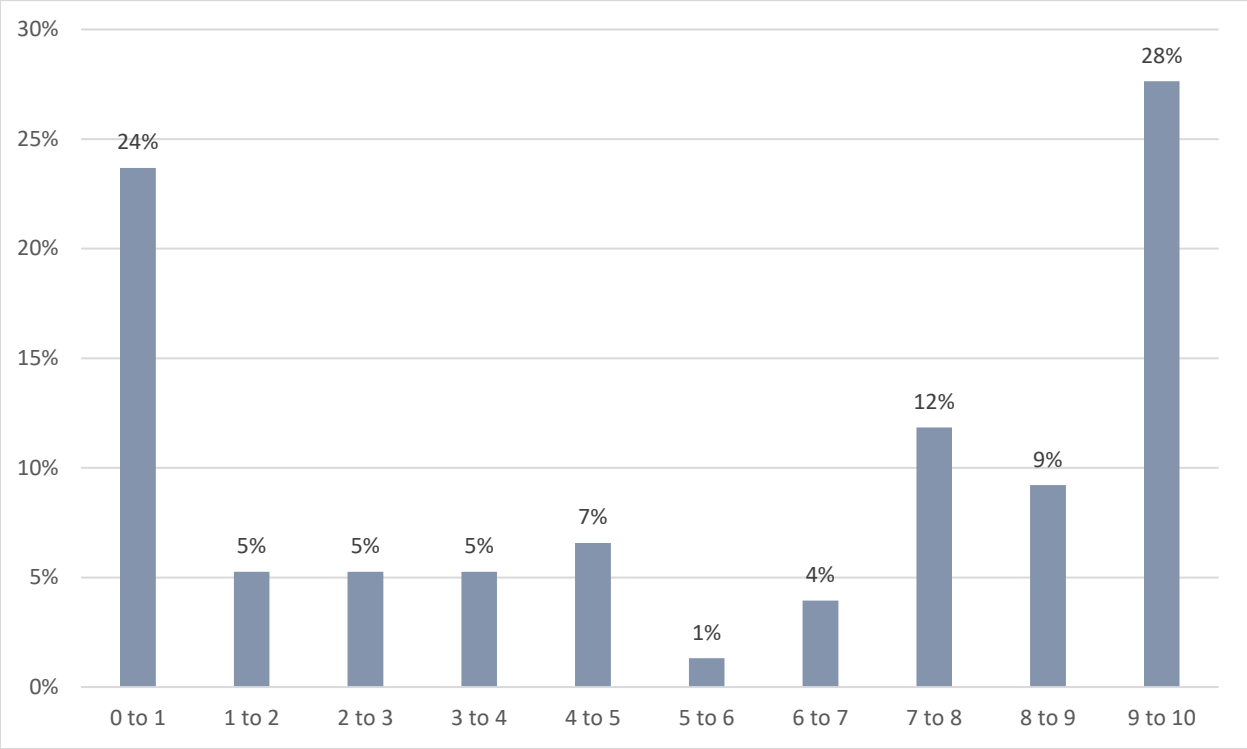


Figure 20: Limited Infrastructure (water, sewer)

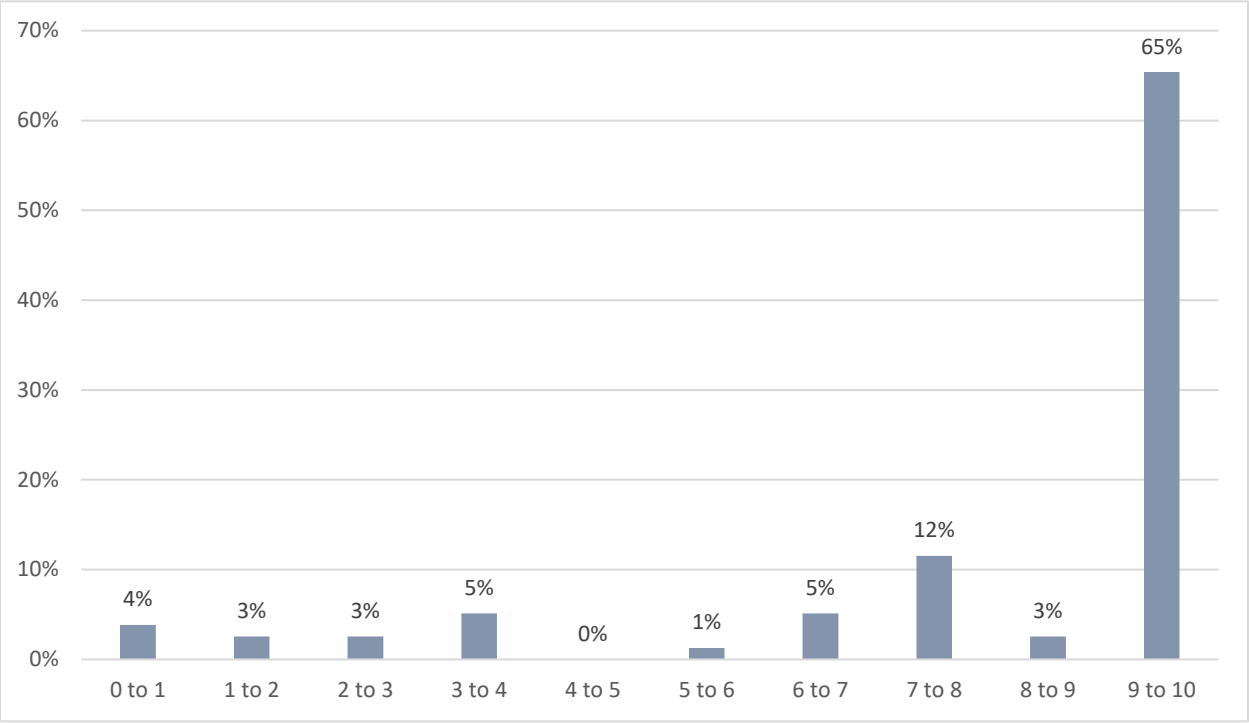


Figure 21: Wildfire Risk

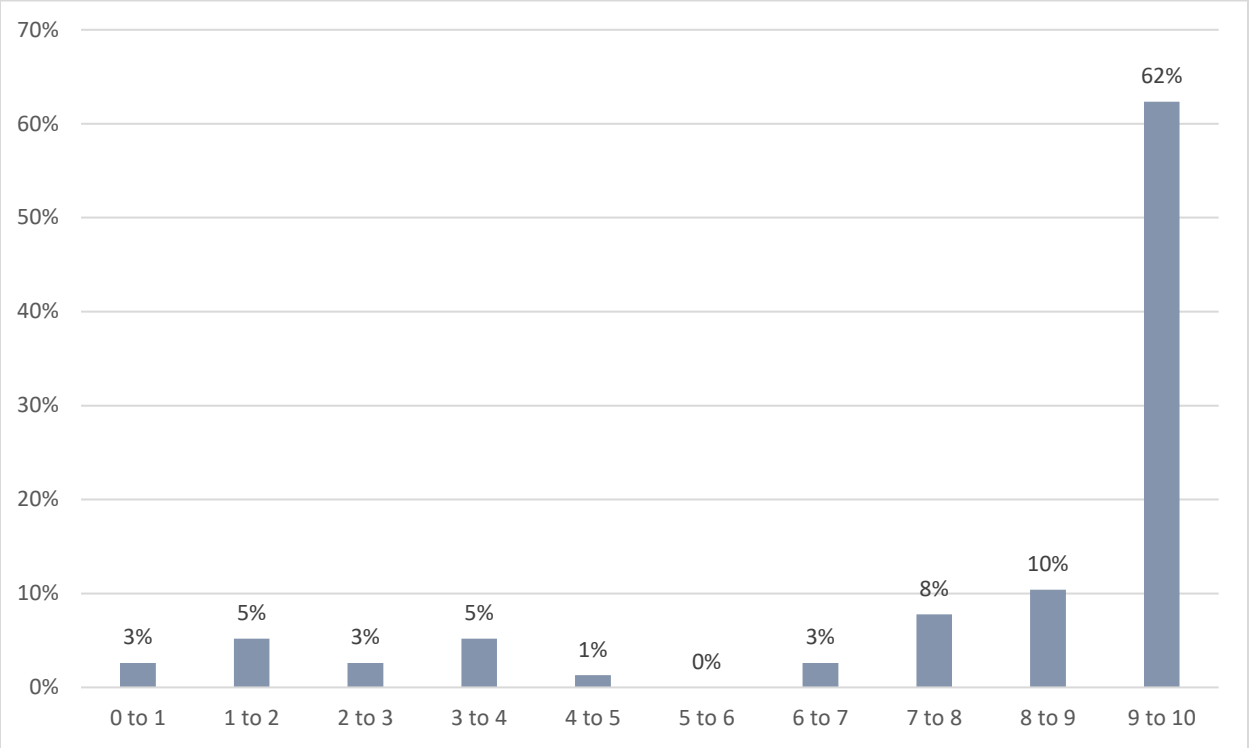


Figure 22: Traffic and Congestion

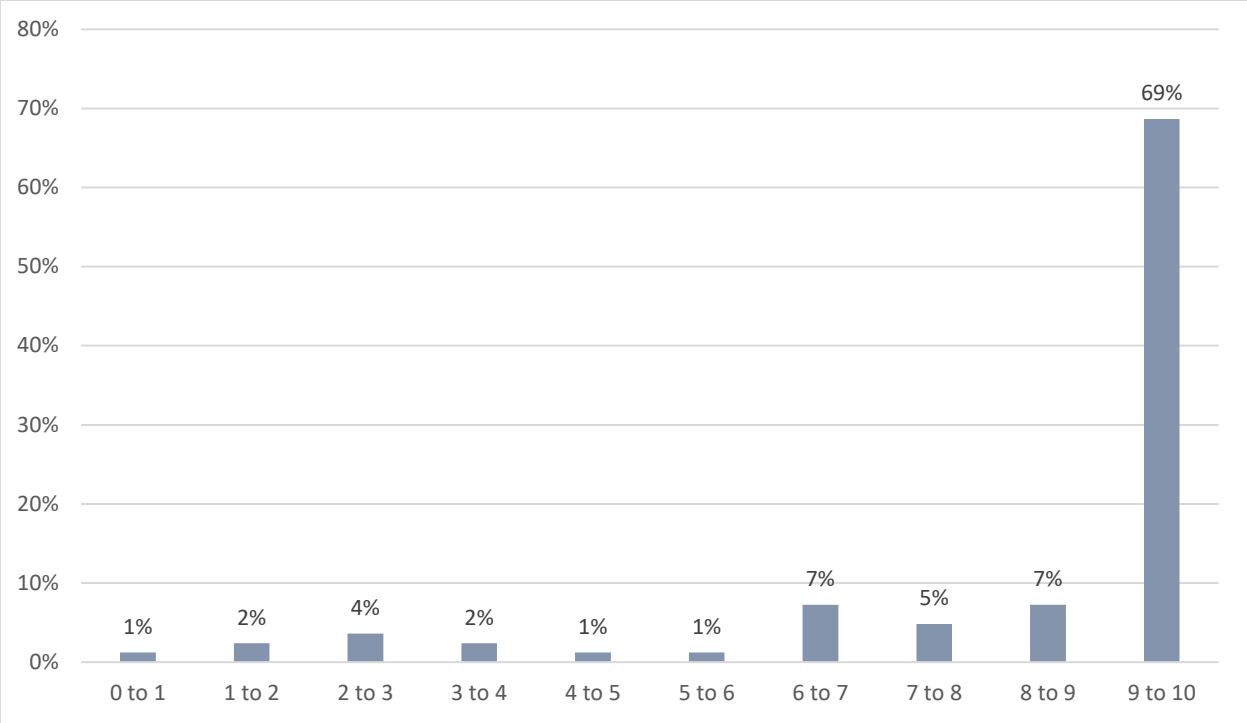


Figure 23: Protecting Environmentally Sensitive Areas

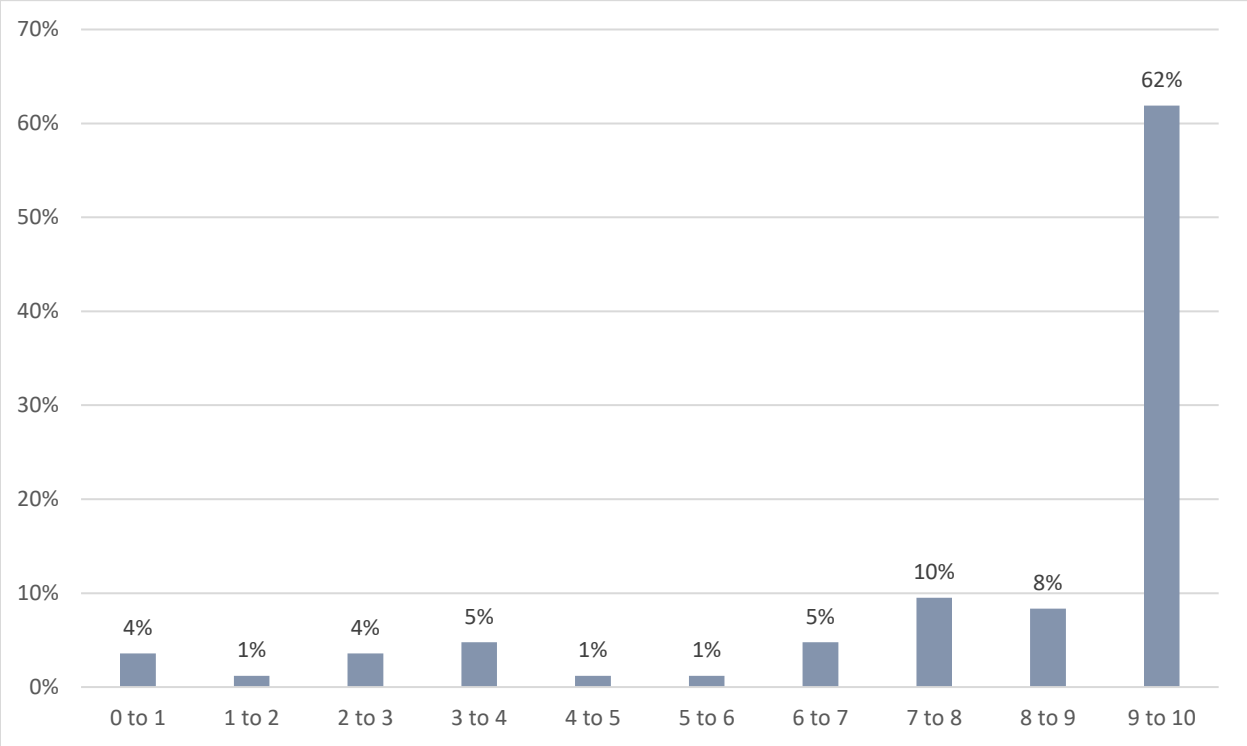
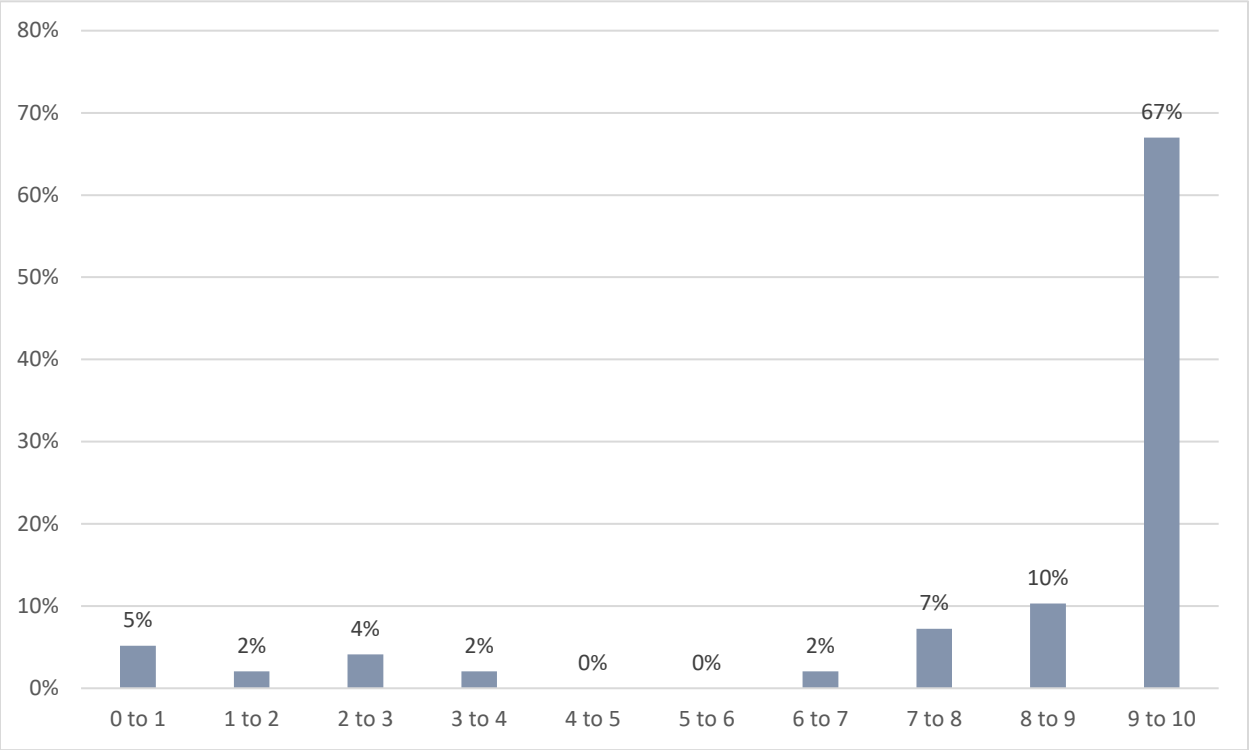


Figure 24: Preserving Community Character



STRATEGIES AND SOLUTIONS FOR CLAYTON

Respondents were asked to indicate their level of support for various strategies and solutions appropriate for Clayton. If a respondent was neither supportive nor opposed to a strategy/solution the slider would be left at 5. Figure 25 through Figure 36 below illustrate respondent's support for each strategy or solution.

Figure 25: Develop a diverse range of housing options

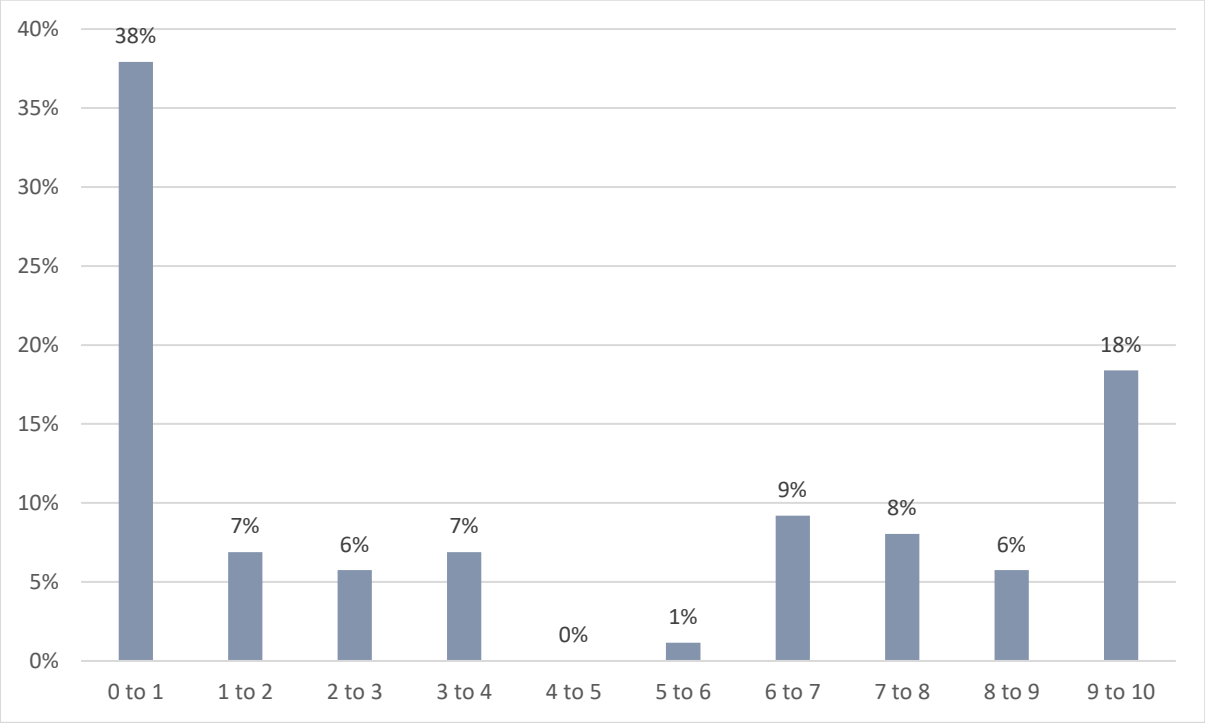


Figure 26: Ensure that children who grow up in Clayton can afford to live in Clayton on their own

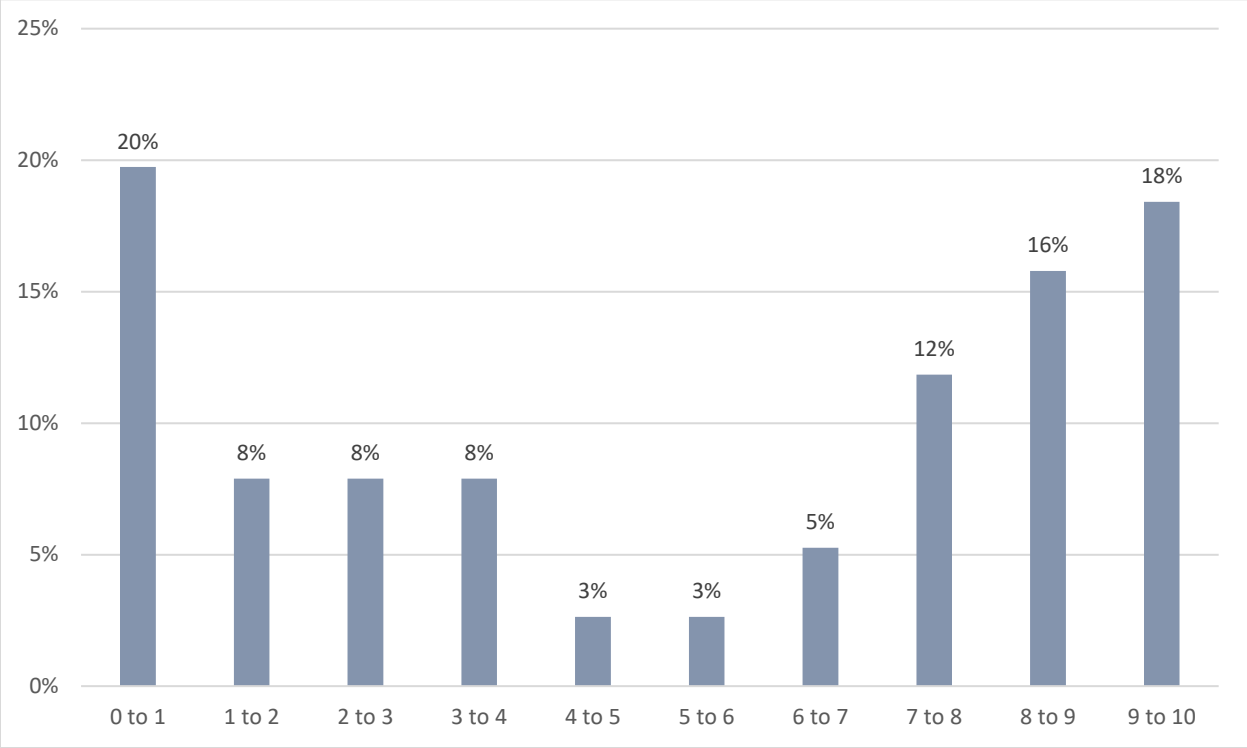


Figure 27: Provide opportunities for people who work in Clayton to live in Clayton

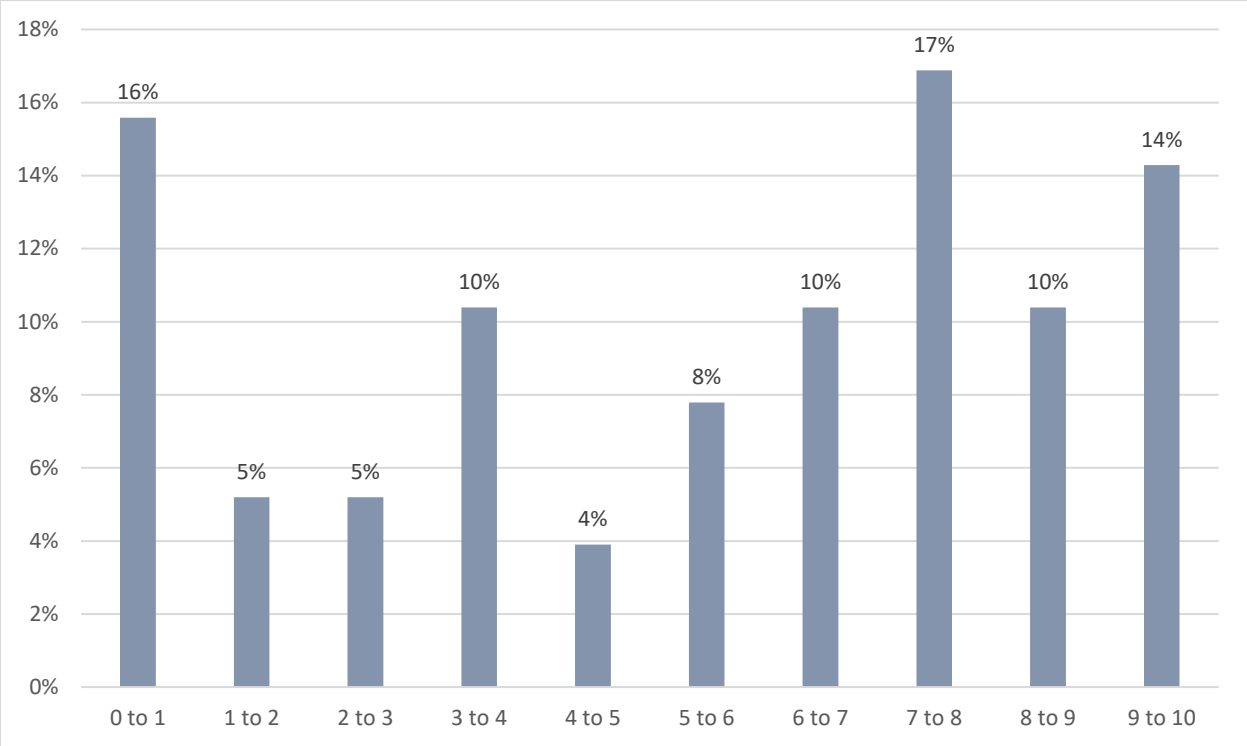


Figure 28: Provide more options for older residents to downsize and stay in the community

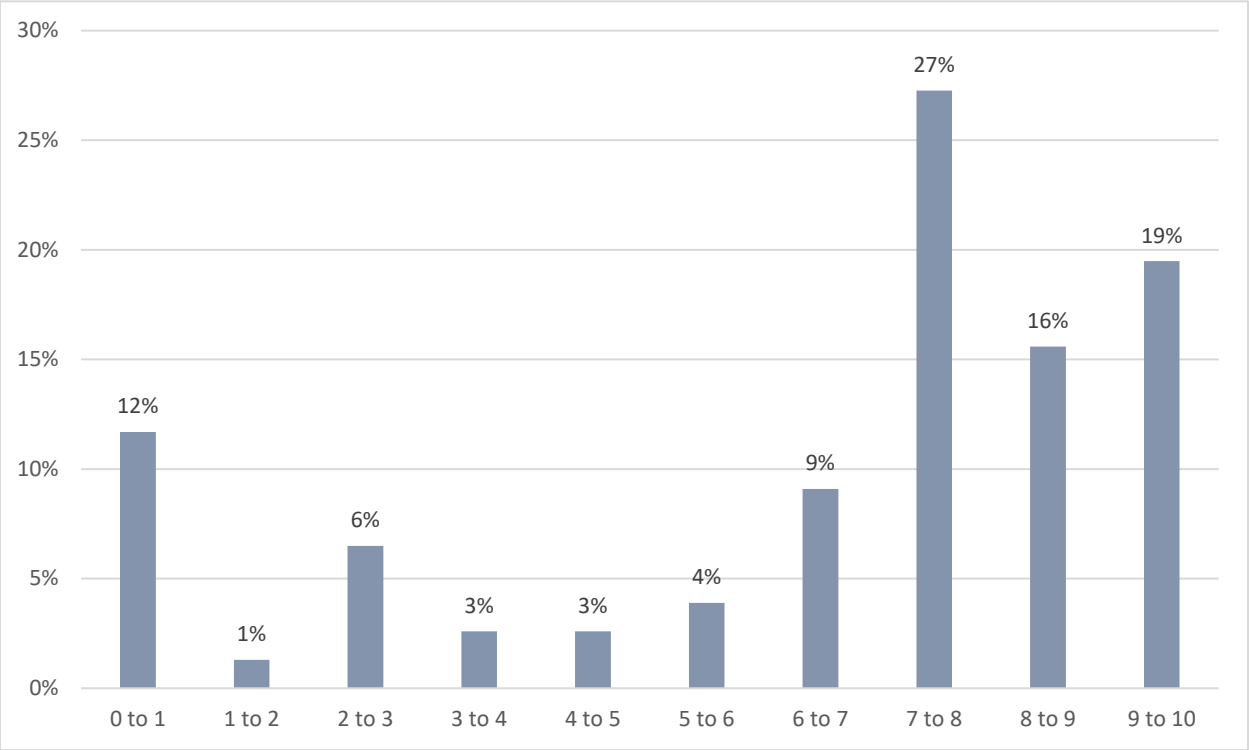


Figure 29: Support local businesses by concentrating new housing and residents around commercial

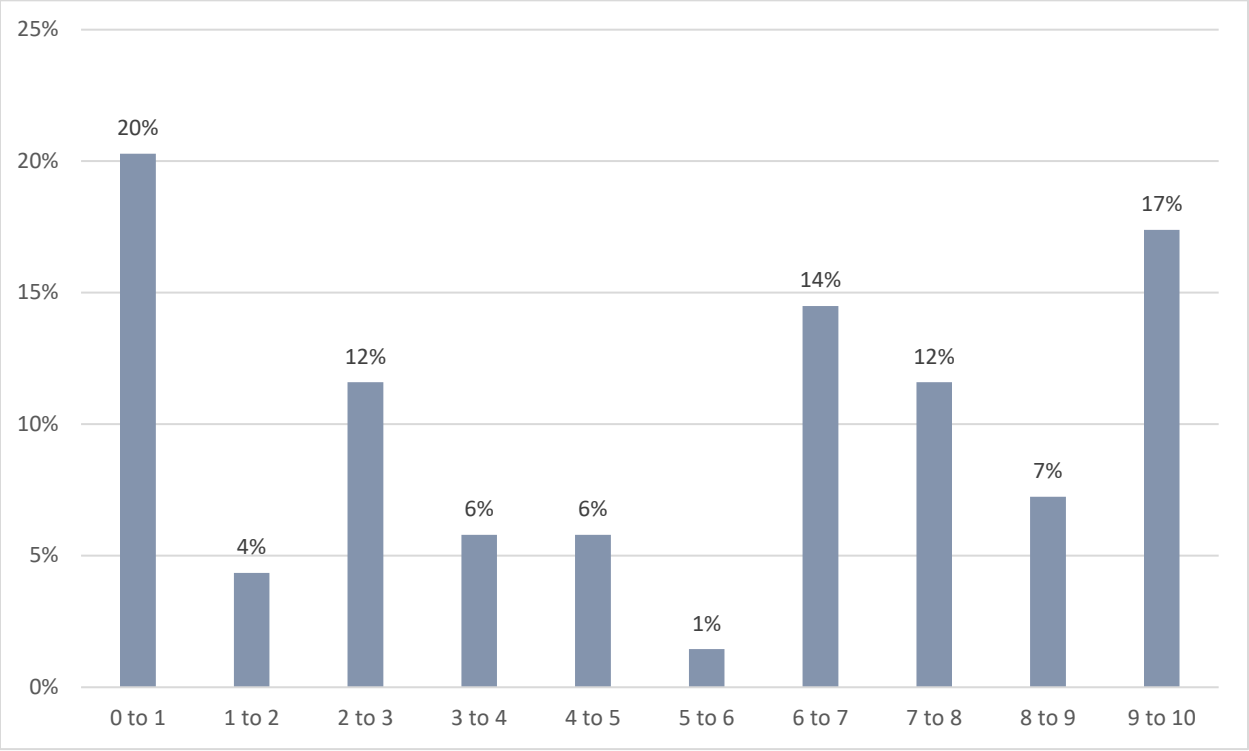


Figure 30: Streamline the process for new housing construction

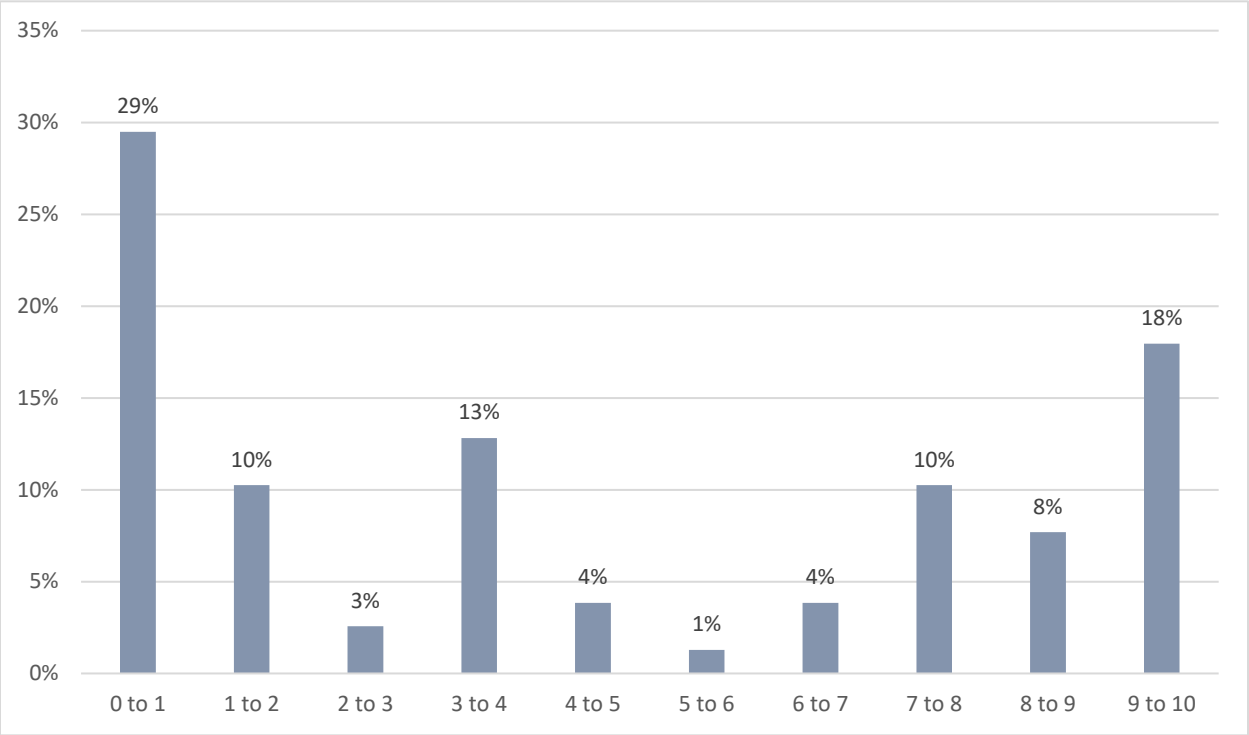


Figure 31: Support homeowners who want to build Accessory Dwelling Units or in-law units on single-family lots

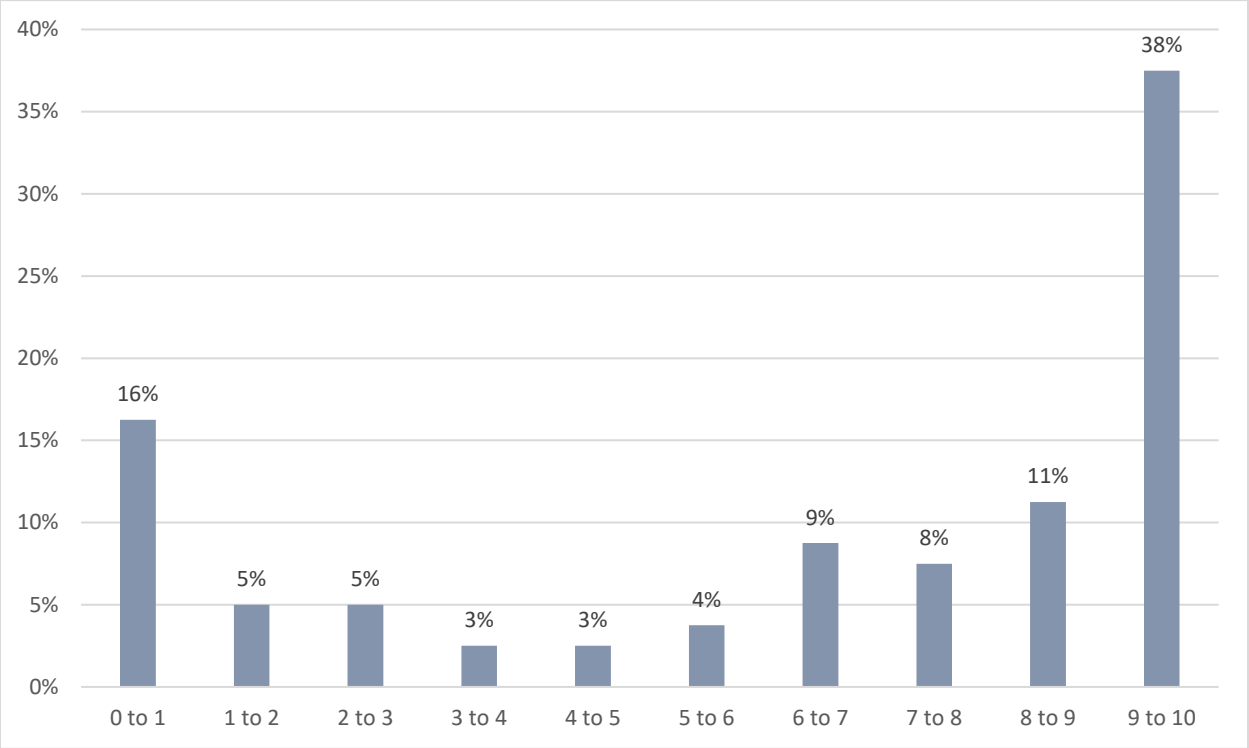


Figure 32: Establish housing for seniors, large families, veterans, and/or persons with disabilities

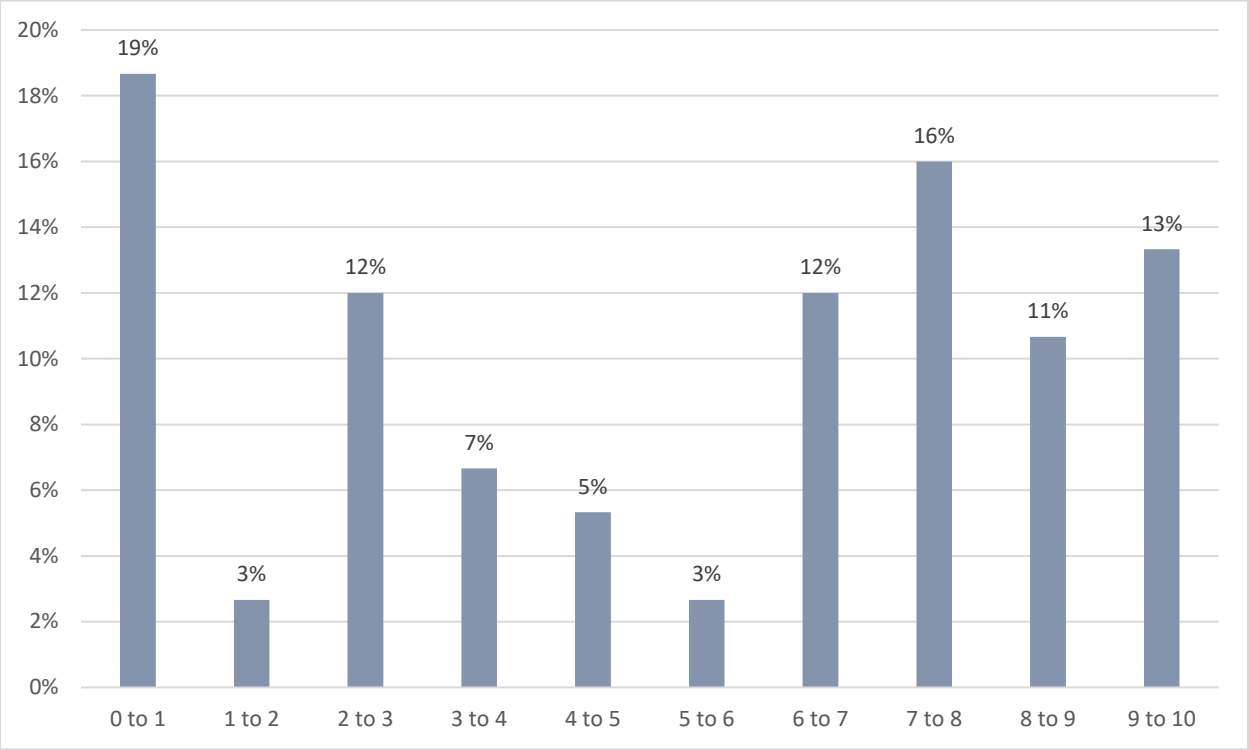


Figure 33: "Provide shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing"

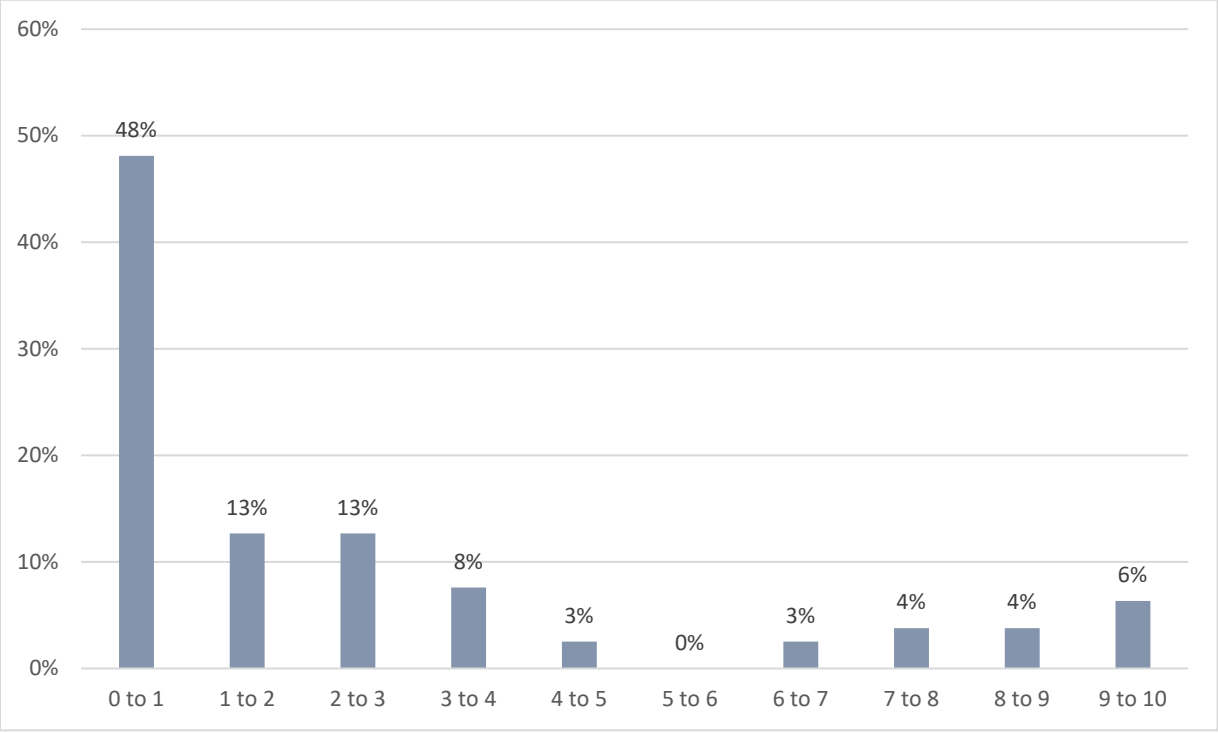


Figure 34: Encourage the rehabilitation of existing housing in older neighborhoods

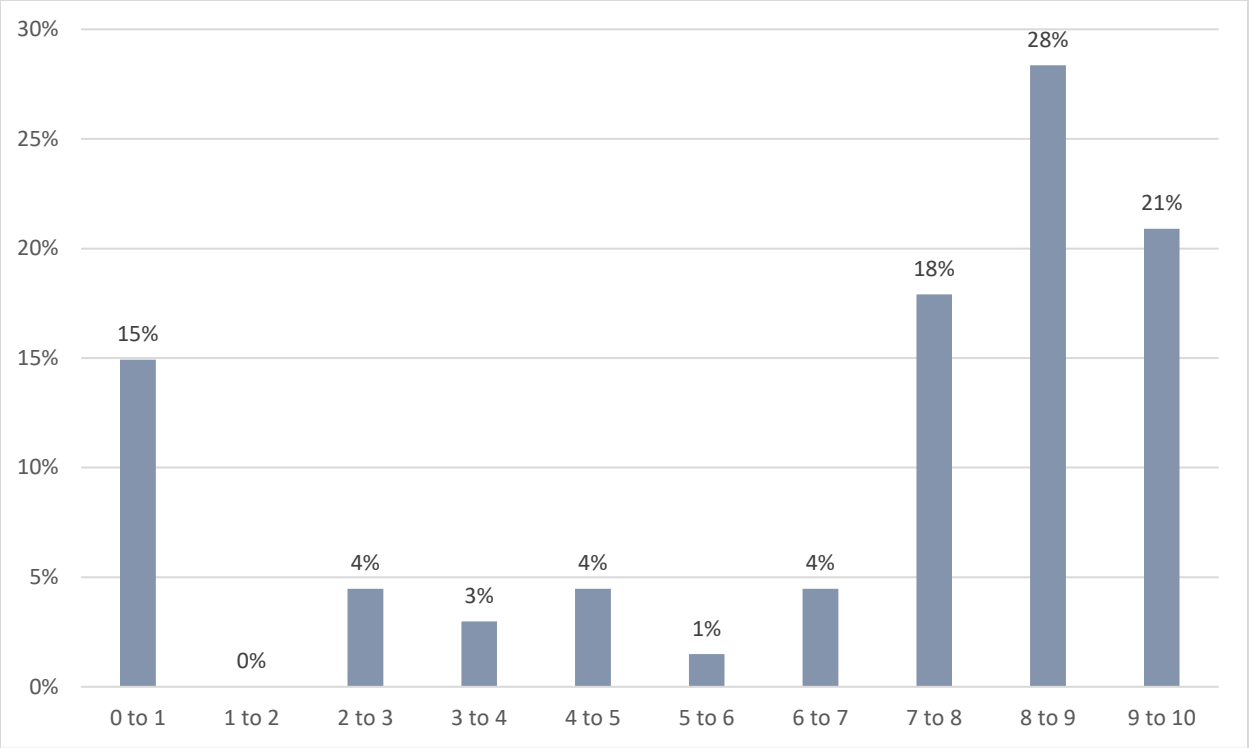


Figure 35: Support programs to help homeowners at risk of mortgage default to keep their homes

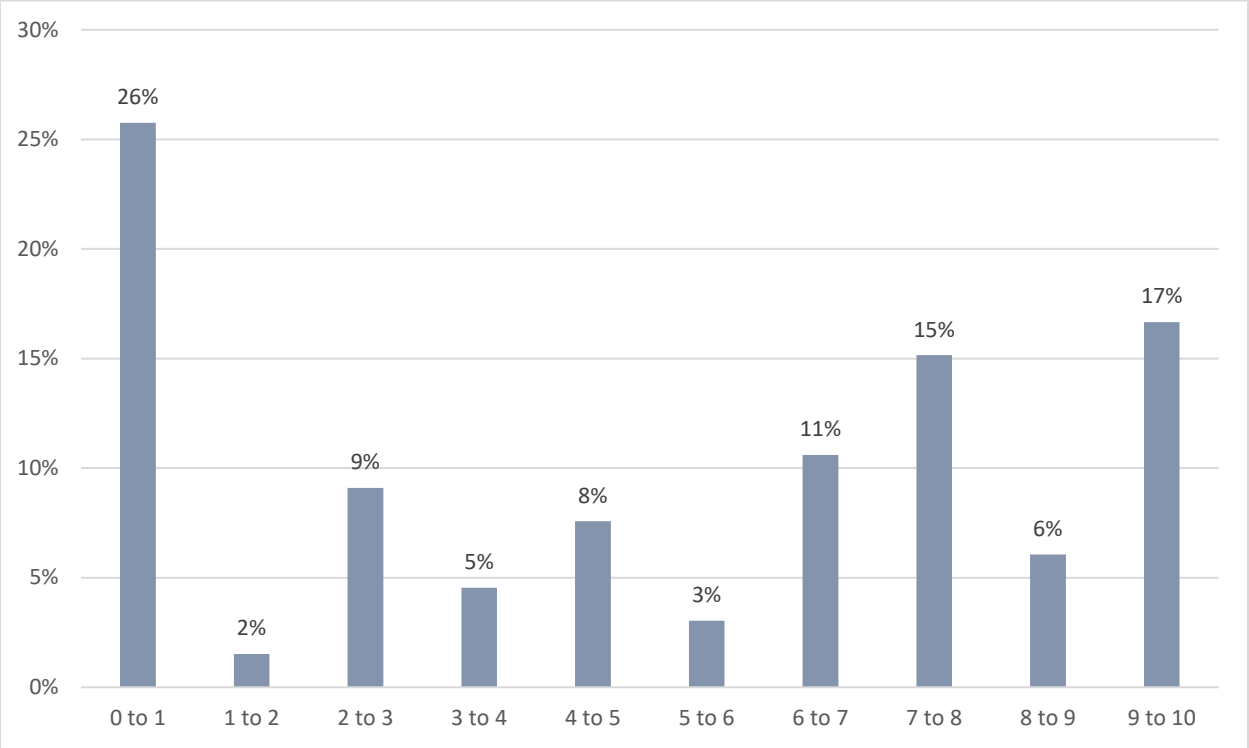
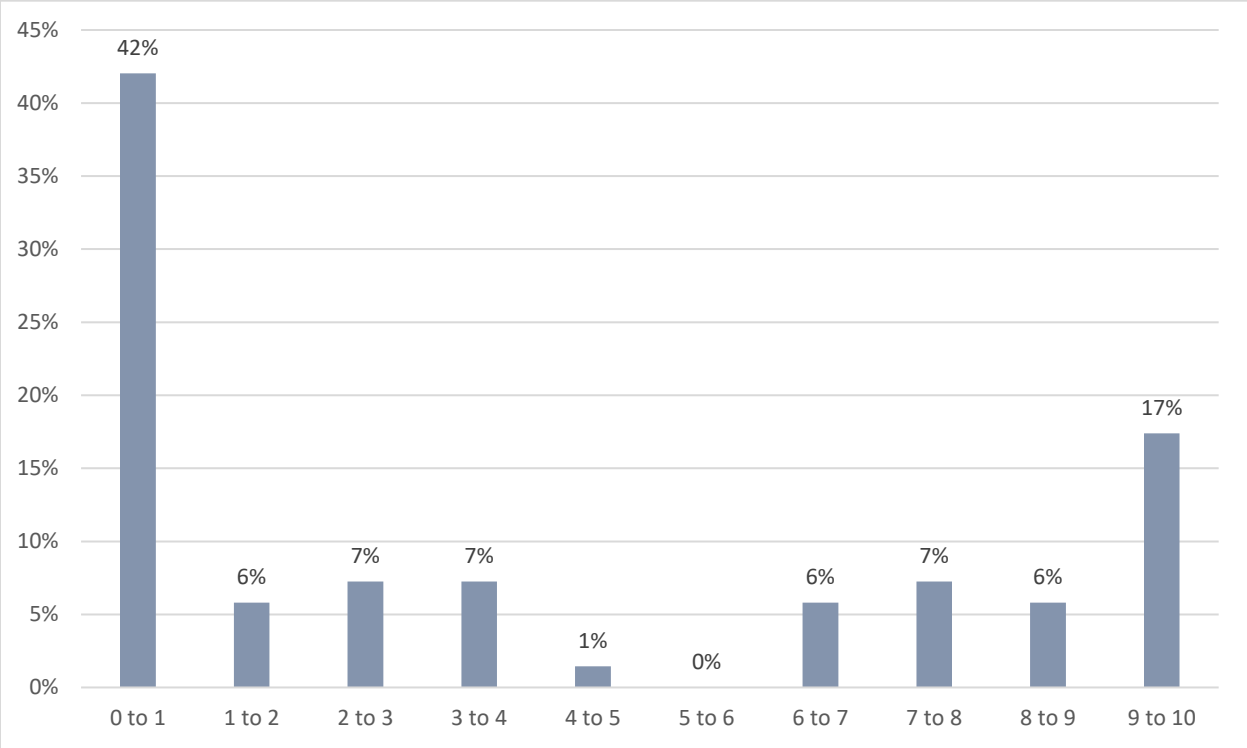


Figure 36: Target efforts to address long-term inequities in the housing market, including discrimination in renting



TRADEOFFS

In selecting housing strategies, the Housing Element will need to identify priorities and make tradeoffs. Respondents were given $100 to spend on seven housing strategies and were asked to identify preferred strategies by spending the $100 in $10 increments across the options. Respondents could choose to spend the $100 in any way they wanted. Figure 37 below illustrates the percentage of funds allocated to each strategy across all responses.

Figure 37: Preferred Strategies (n=94)

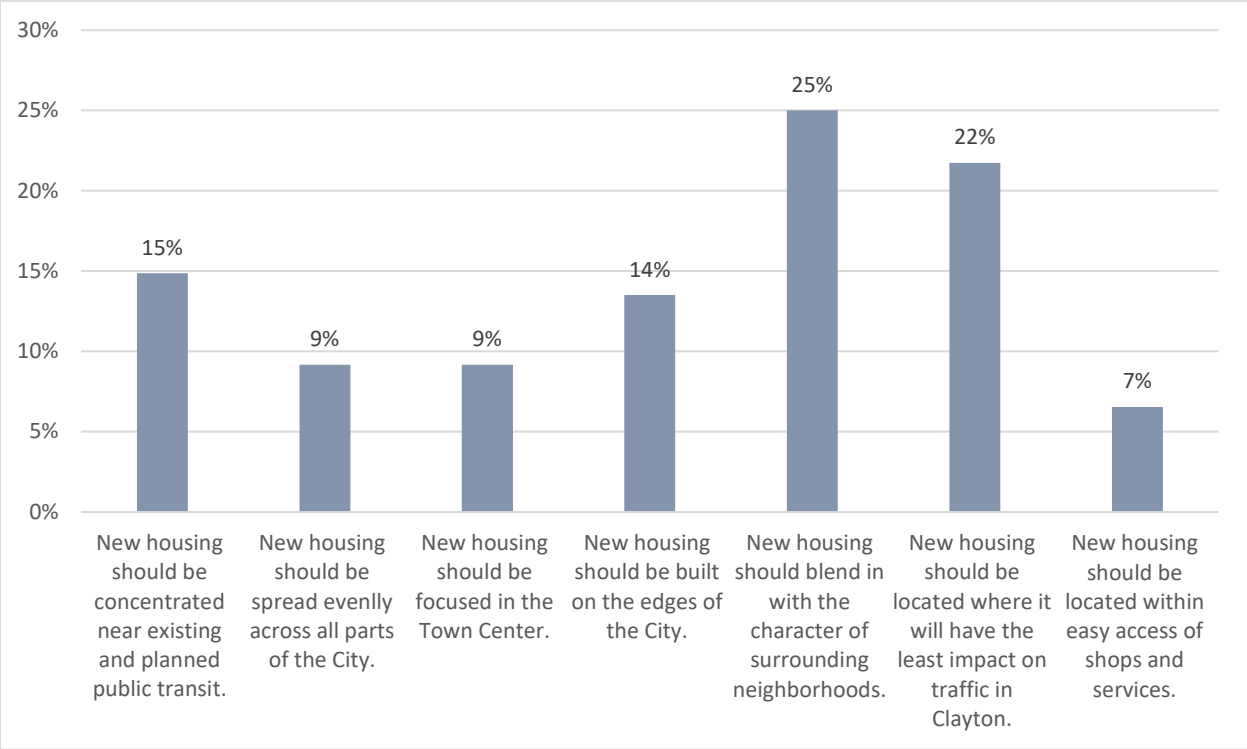


Table 1: Preferred Strategies

Strategy	Amount Spent ($)	Percentage
New housing should be concentrated near existing and planned public transit.	$1410	15%
New housing should be spread evenly across all parts of the City.	$870	9%
New housing should be focused in the Town Center.	$870	9%
New housing should be built on the edges of the City.	$1280	14%
New housing should blend in with the character of surrounding neighborhoods.	$2370	25%
New housing should be located where it will have the least impact on traffic in Clayton.	$2060	22%
New housing should be located within easy access of shops and services.	$620	7%