Adopted

Housing Element Update 6th Cycle 2023-2031

January 17, 2023

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

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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 property at 1970 Eagle Peak Avenue
- 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

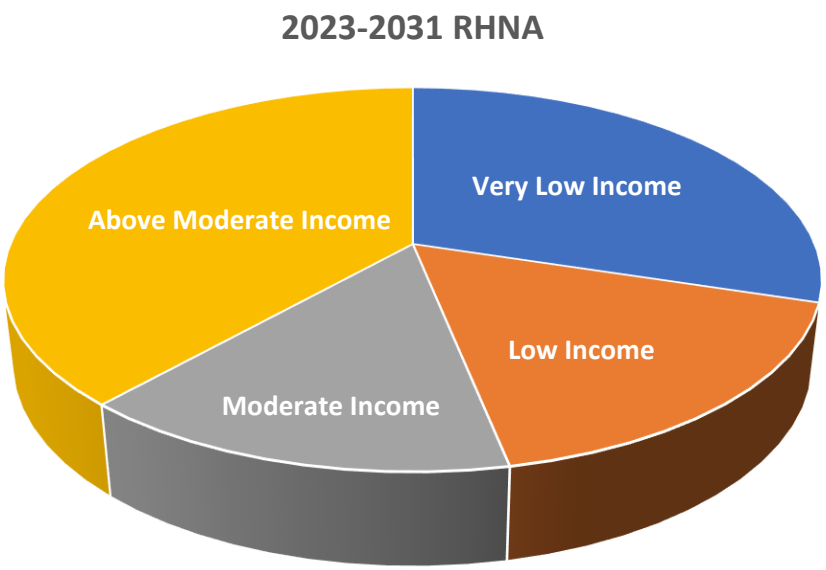
Time Frame: Database by end of 2024

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 on~~along~~ side streets or behind street-facing commercial uses on Center and Main Streets and to allow for densities of up to 25~~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, 2024~~3~~, 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 continue to work with developers who cater to disabled and other special needs 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.~~ Today, the abundance of single-family housing and marginal inventory of rental units have increased the cost of a home and have made it prohibitive for lower-income households to purchase or rent in Clayton.

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

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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

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[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.

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
15.90	Reasonable Accommodation	Provide greater flexibility in providing housing for persons with a disability

Table 4-8: Construction and Housing Codes

Code Section	Title	Remarks
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 Staff time billed on a time and materials basis, $1,500 minimum deposit

Table 4-9: Community Development Department Fee

Item	Fee
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.

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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 the property at 1970 Eagle Peak Avenue 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

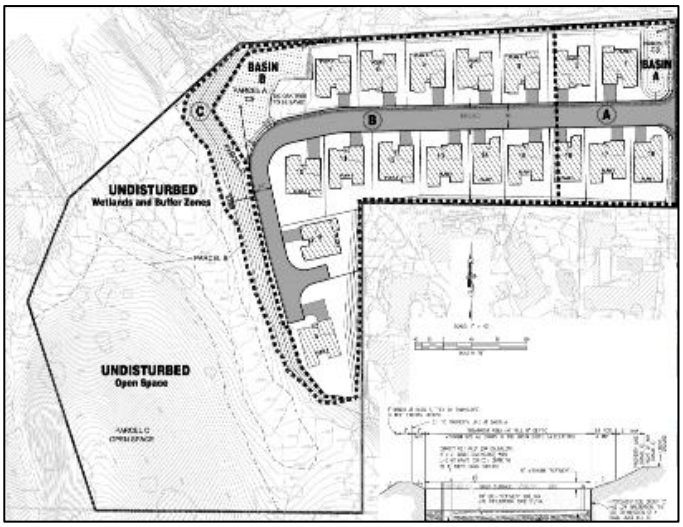
Project	Project Status	Extremely/ Very Low-Income (0-50% AMI)	Low-Income (50-80% AMI)	Moderate-Income (80-120% AMI)	Above Moderate-Income (+120%)	Total
Diablo Meadows	Approved		3*	1**	17	21
Oak Creek Canyon	Approved		1		6	7
The Olivia	Approved	7			74	81
Approved Projects Total		***7***	***4***	***1***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

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

**Deed restricted as affordable.

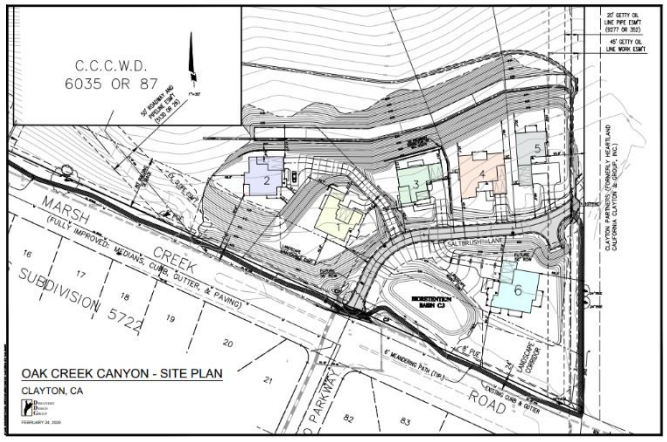
Diablo Meadows

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.

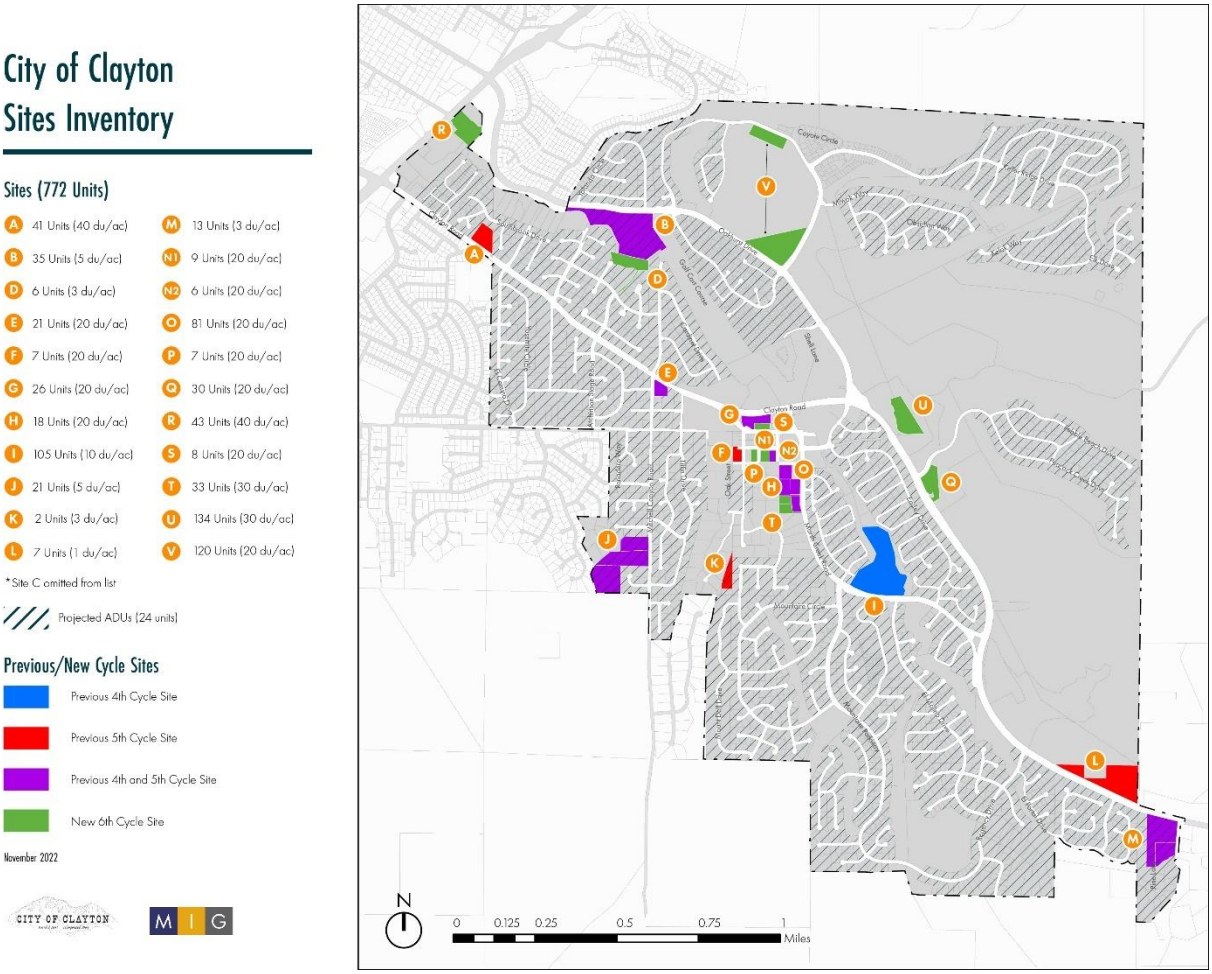
Figure 5-1 shows the sites available to accommodate the remaining RHNA. These include, as indicated above, vacant properties and developed properties with redevelopment potential. Not all sites have the appropriate General Plan designation or zoning to support the level of development required to achieve 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 on Eagle Peak Avenue. 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-~~9~~8: 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-~~9~~8: 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***	***~~414312~~359***		

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					

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
Approved Projects	7	4	1	97	109
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	*182~~189~~*	*119~~141~~*	*115~~104~~*	*~~186~~221271*	*~~655~~602687*
Total Credits and Inventory	**~~198~~189**	**123~~143~~**	**116~~106~~**	**~~282~~~~317~~368**	**~~764~~~~711~~796**
Surplus RHNA Units	**~~28~~19**	**~~46~~26**	**~~22~~32**	**~~9863~~149**	**~~194~~~~141~~226**

CONSISTENCY WITH AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

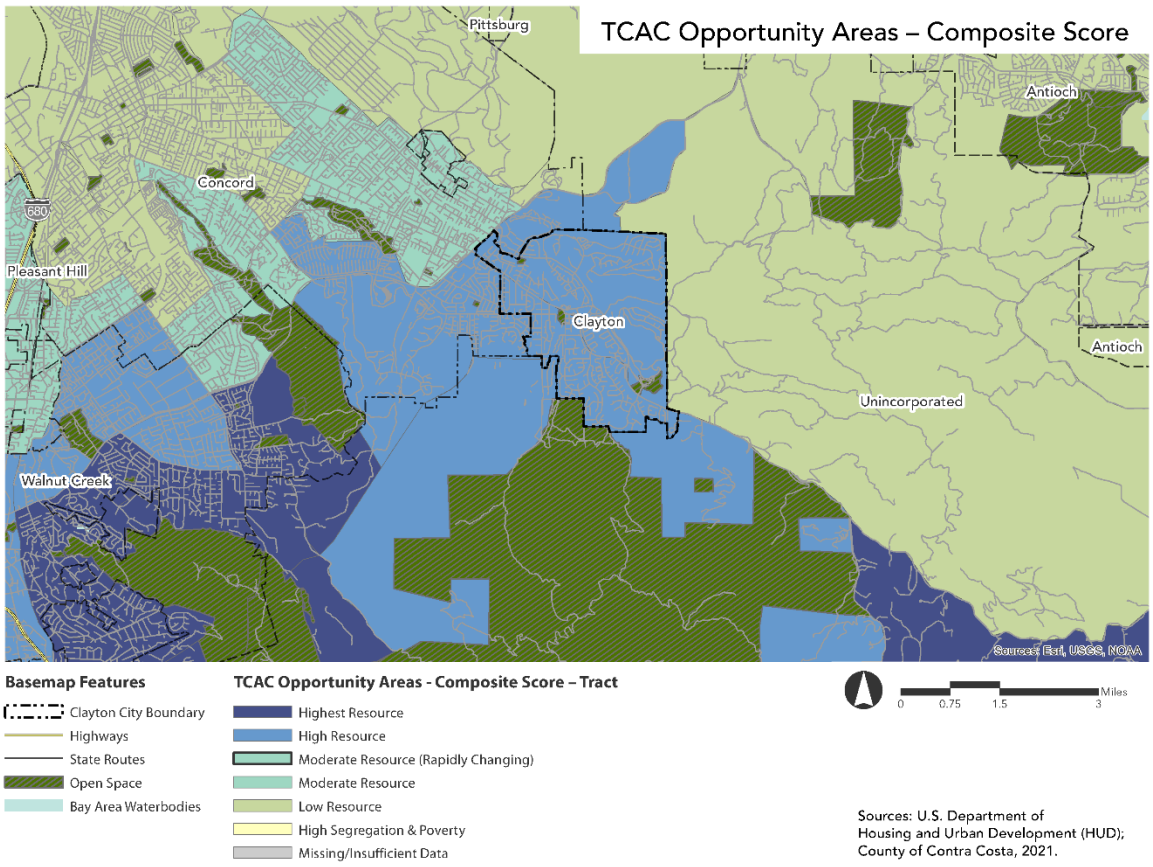
State law requires that housing elements due on or after January 1, 2021, include an assessment of fair housing that considers the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities 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 5-11~~0~~: 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 – 1970 Eagle Peak Avenue	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~~–~~				1~~2~~3
	78020007	LD	PD	5	4	2.21		Single Family	B	8	Yes	No	No~~–~~				4~~8~~
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 5-132: 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	--				86
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	6643	6652
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 developing site	402 8	12		94

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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	

Accomplishments

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 a lawsuit against the City over the approval of ~~the~~ "The Olivia at Marsh Creek,~~"~~ a three-story, 81-unit housing development, 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 may have constrained 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 may not provide sufficient incentive to multi-family housing developers. Clayton's 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 limited affordable~~e~~ rental and higher-density housing available in Clayton. While Clayton has met its housing zoning obligations, production of housing units in Clayton has not occurred at the same rate as compared to nearby communities. 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 therefore not alone in its struggles to provide adequate affordable housing to residents.

Community and City Council opposition, geographic constraints, zoning limitations, and community priorities have all contributed to the current patterns of land use that consists exclusively of single-family housing, the vast majority of which is owner occupied.

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%*

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

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.

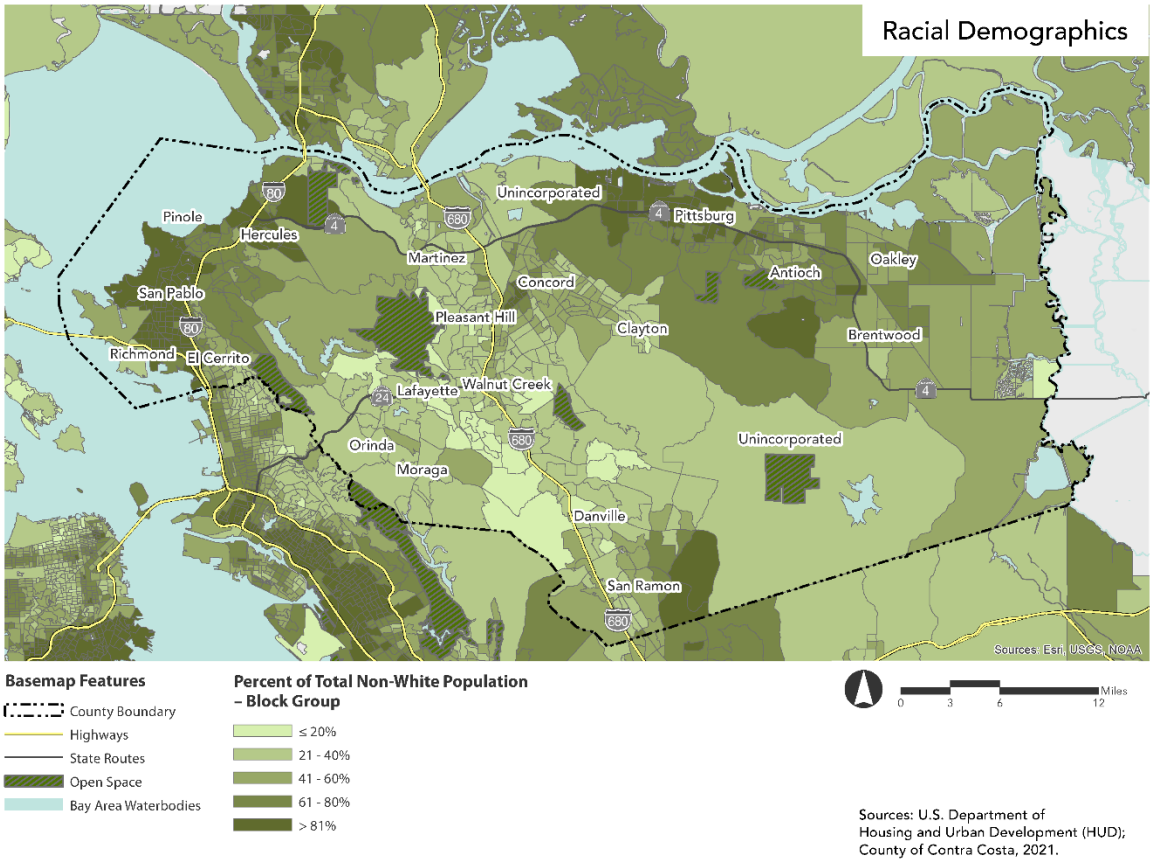
Table 7-5: Racial/Ethnic Dissimilarity Trends (1990–2020)

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

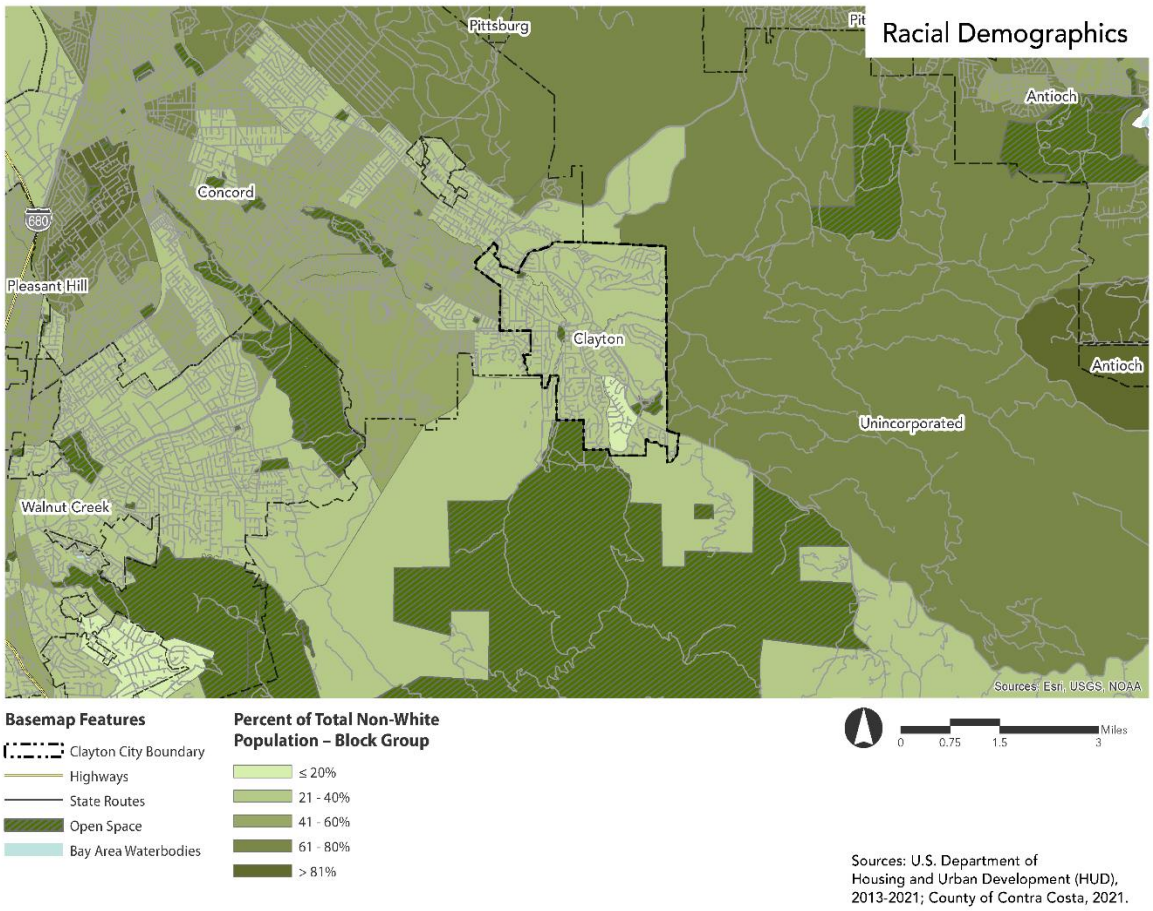
Clayton's population consists predominantly of White residents, as shown on Figure 7-2, with most census tracts having between 21 to 40 percent non-White populations and one tract with a non-White concentration that falls below 20 percent. (Two tracts shown on the map with greater than 81 percent non-White 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)



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

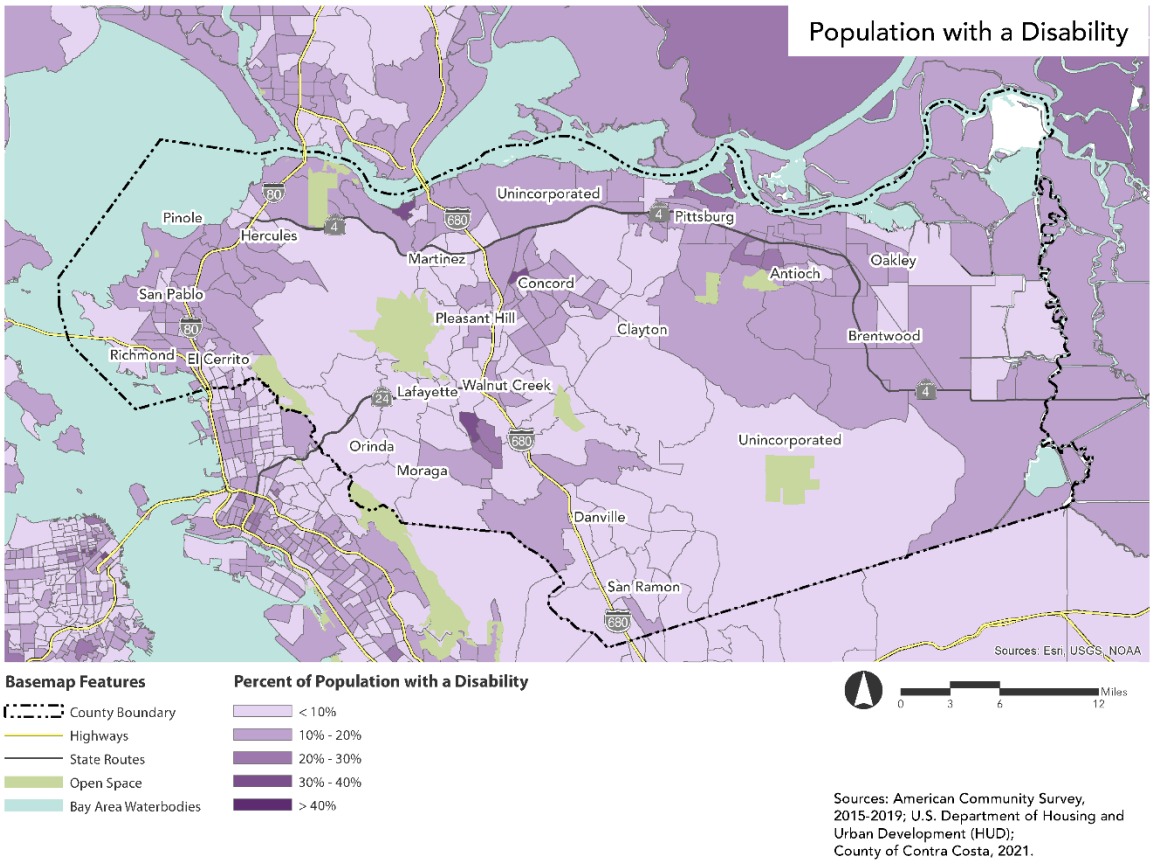
	Contra Costa County Percent with a Disability	Clayton Percent with a Disability
Civilian non-institutionalized population	11.2%	8.5%
Race/ Ethnicity		
Black or African-American alone	16%	4.7%
American Indian and Alaska Native alone	21.2%	0%
Asian alone	8%	7.9%
Native Hawaiian and Other Pacific Islander 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)



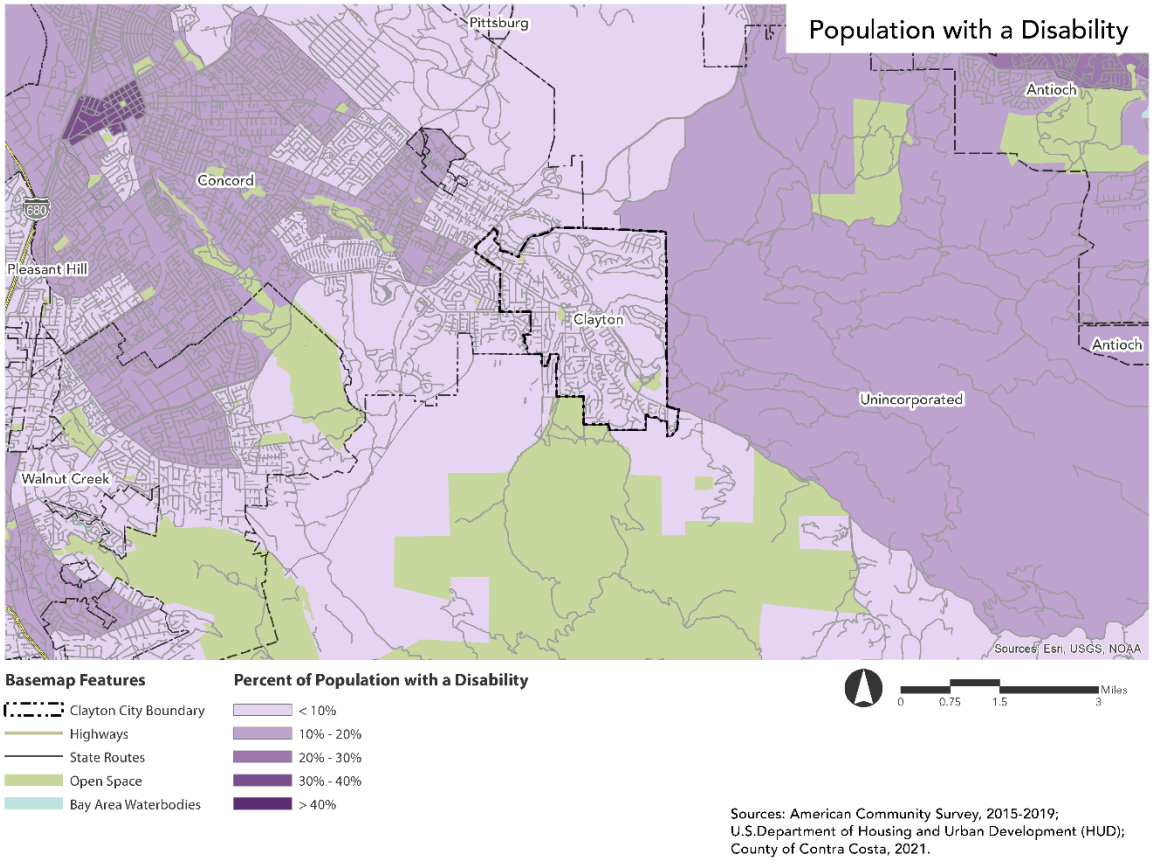
Local Trends

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).

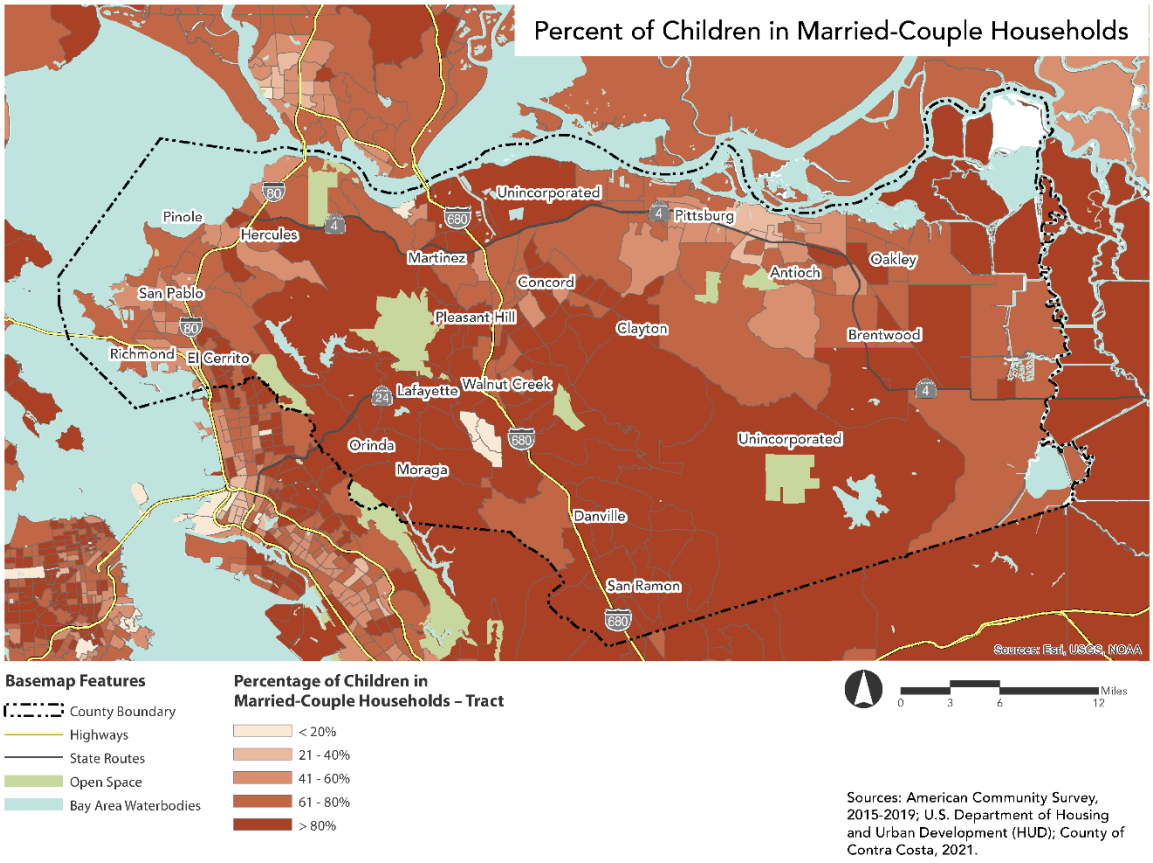
Table 7-8. Households with Children in Contra Costa County and Incorporated Cities

	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.

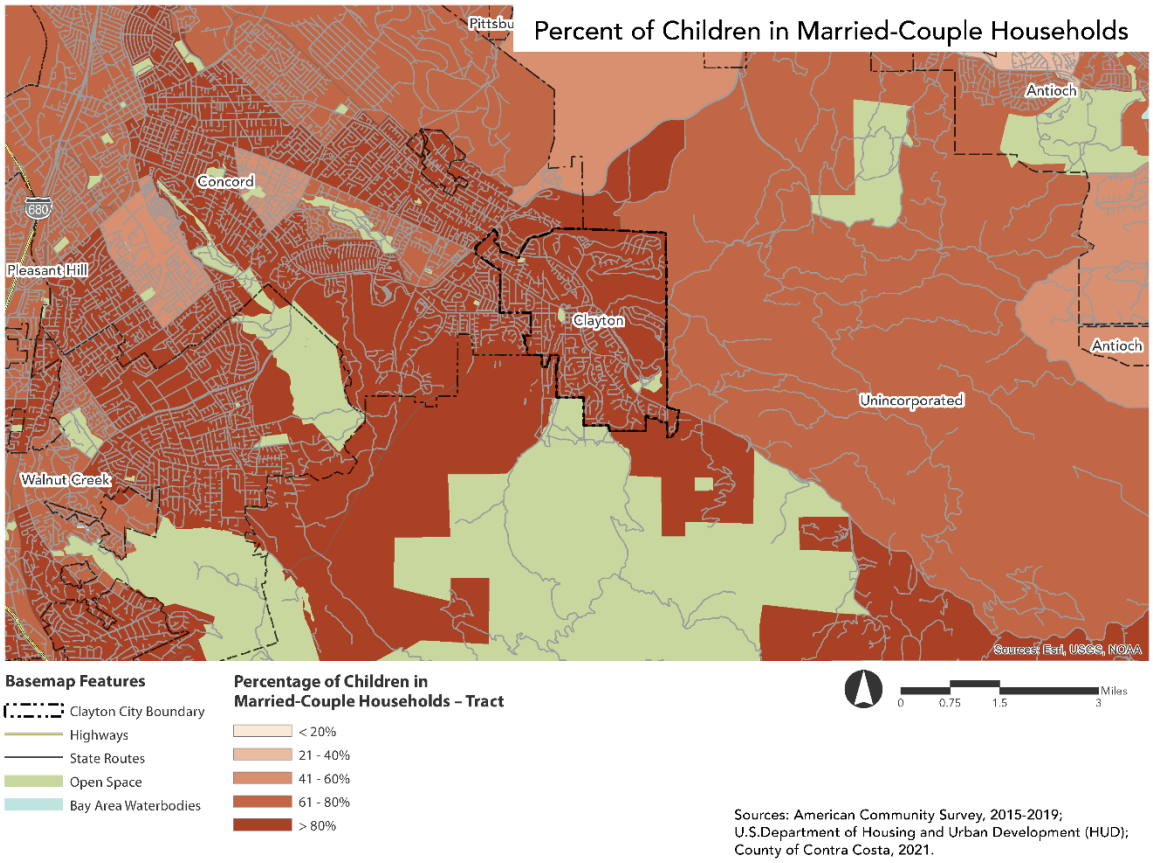
Figure 7-5: Regional Percentage of Children in Married-Couple Households by Tracts (2019)



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.

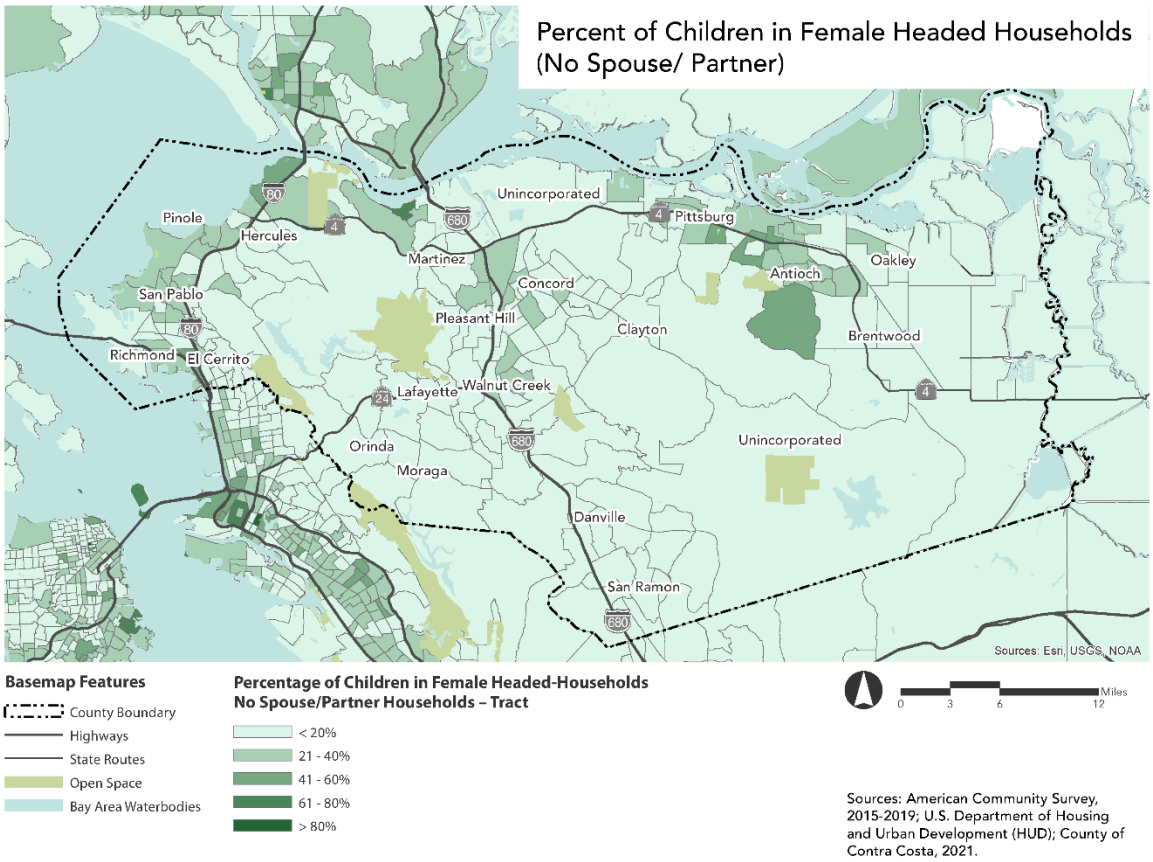
Figure 7-6: Percent of Children in Married-Couple Households – Clayton (2021)



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.

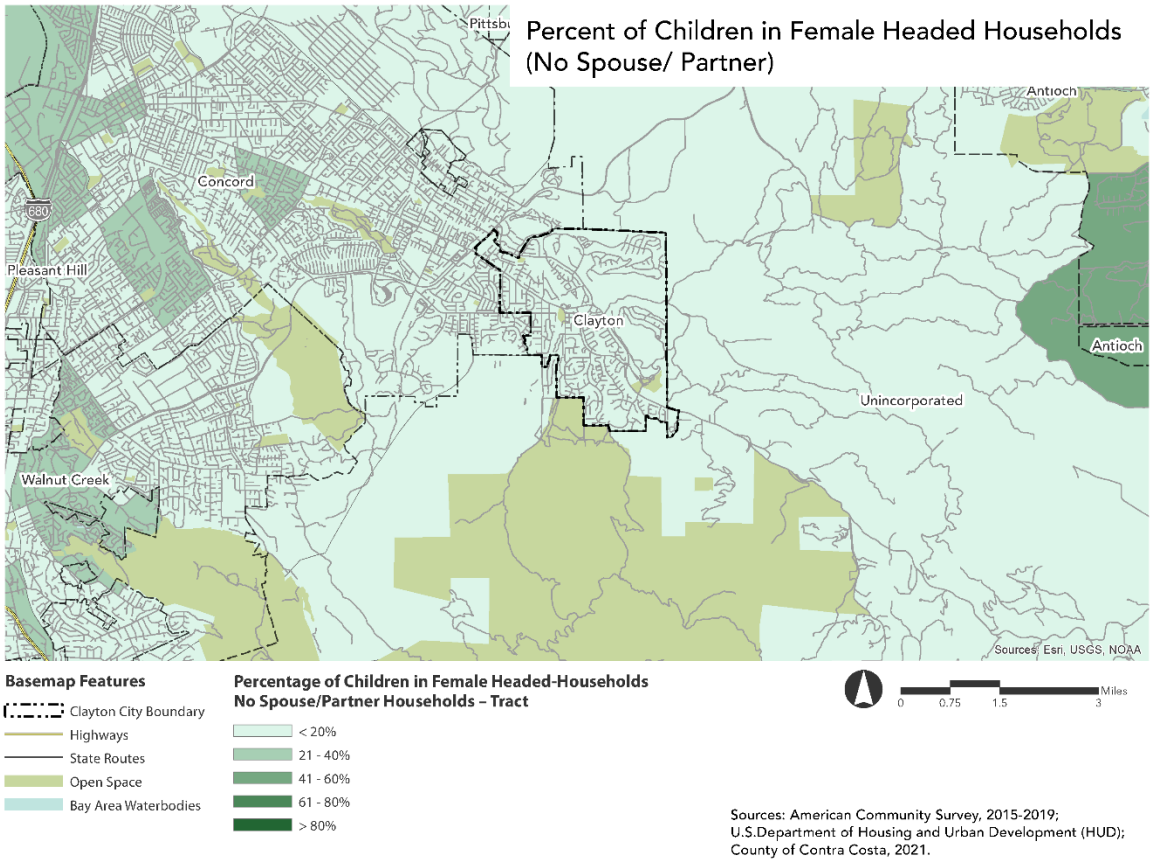
Figure 7-7: Regional Percent of Children in Female-Headed Households by Tract (2019)



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).

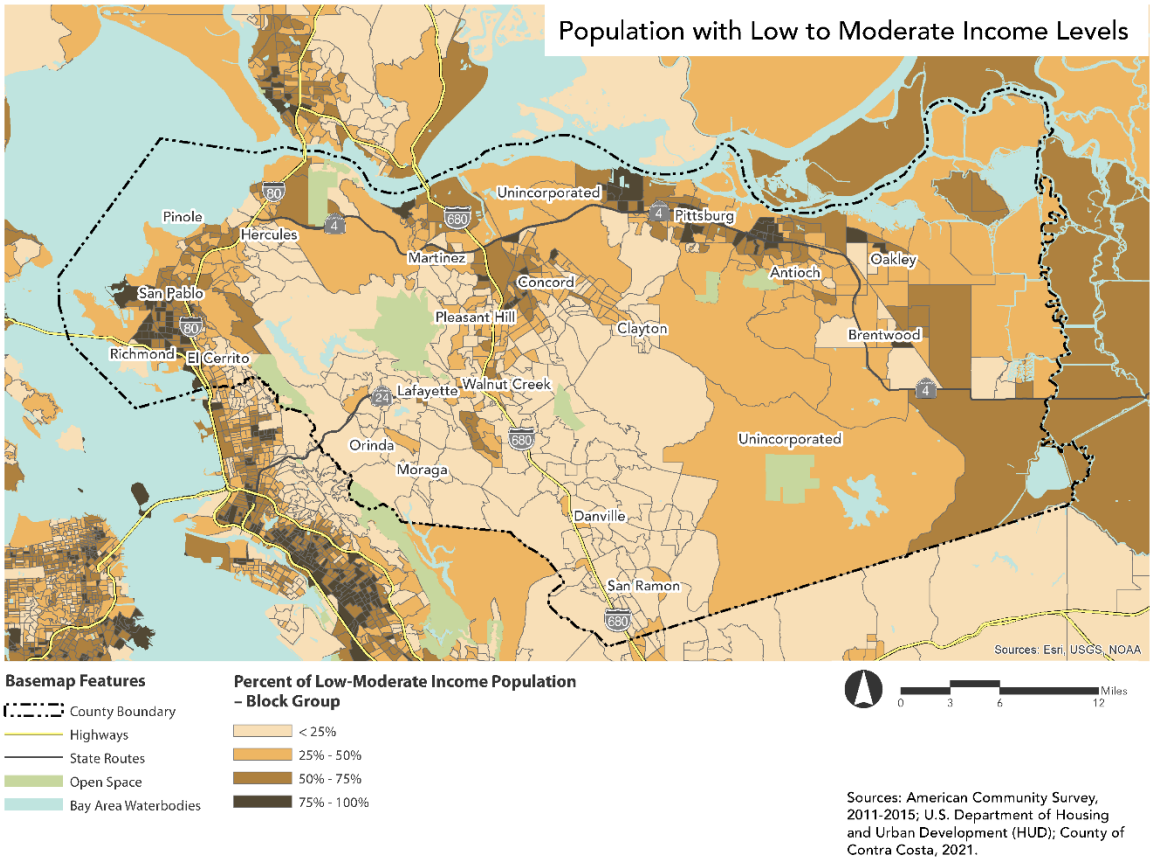
Table 7-9. Contra Costa County and Clayton Households by Income Category and Tenure

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

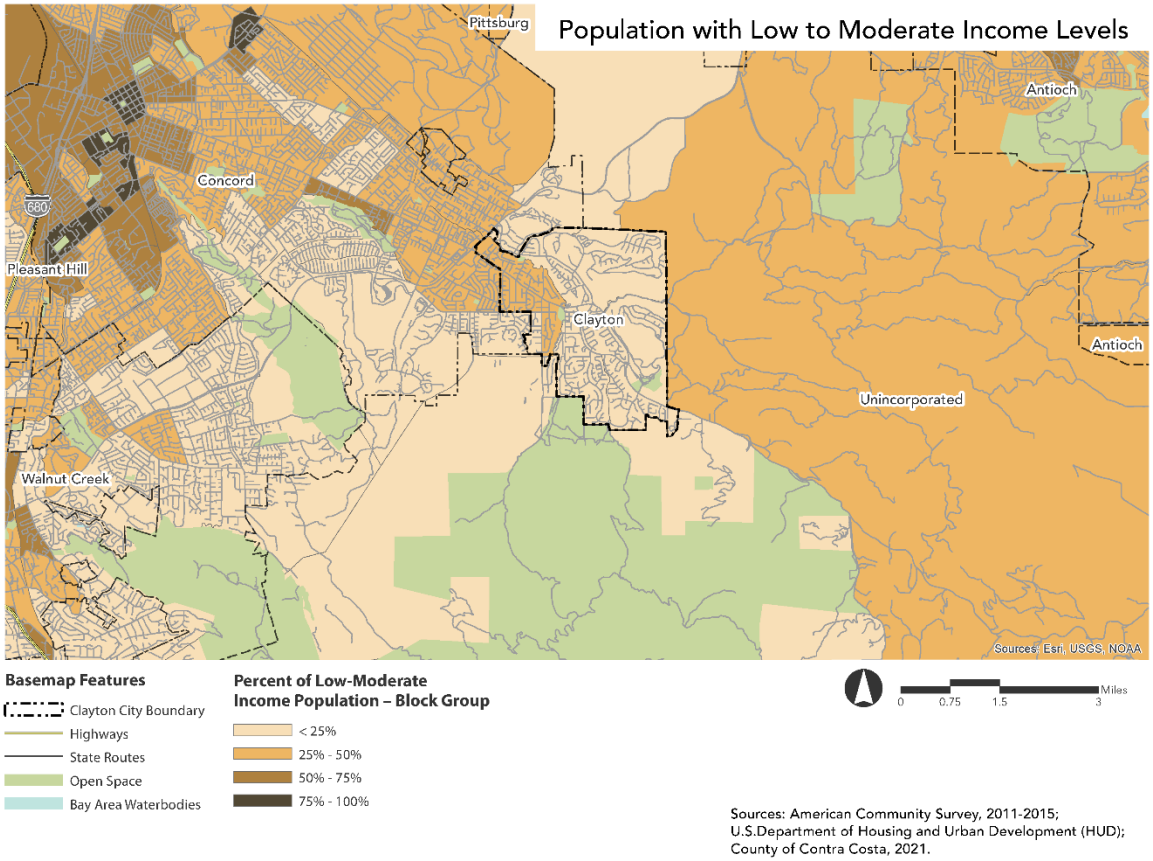
In Clayton, almost all census tracts have a less than 25 percent LMI population. In the western part of Clayton, there are tracts where the LMI population rises to 25 to 50 percent. Part of this area also overlaps with higher rates of housing choice voucher use (5 to 15 percent) (Figure 7-13), slightly 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)

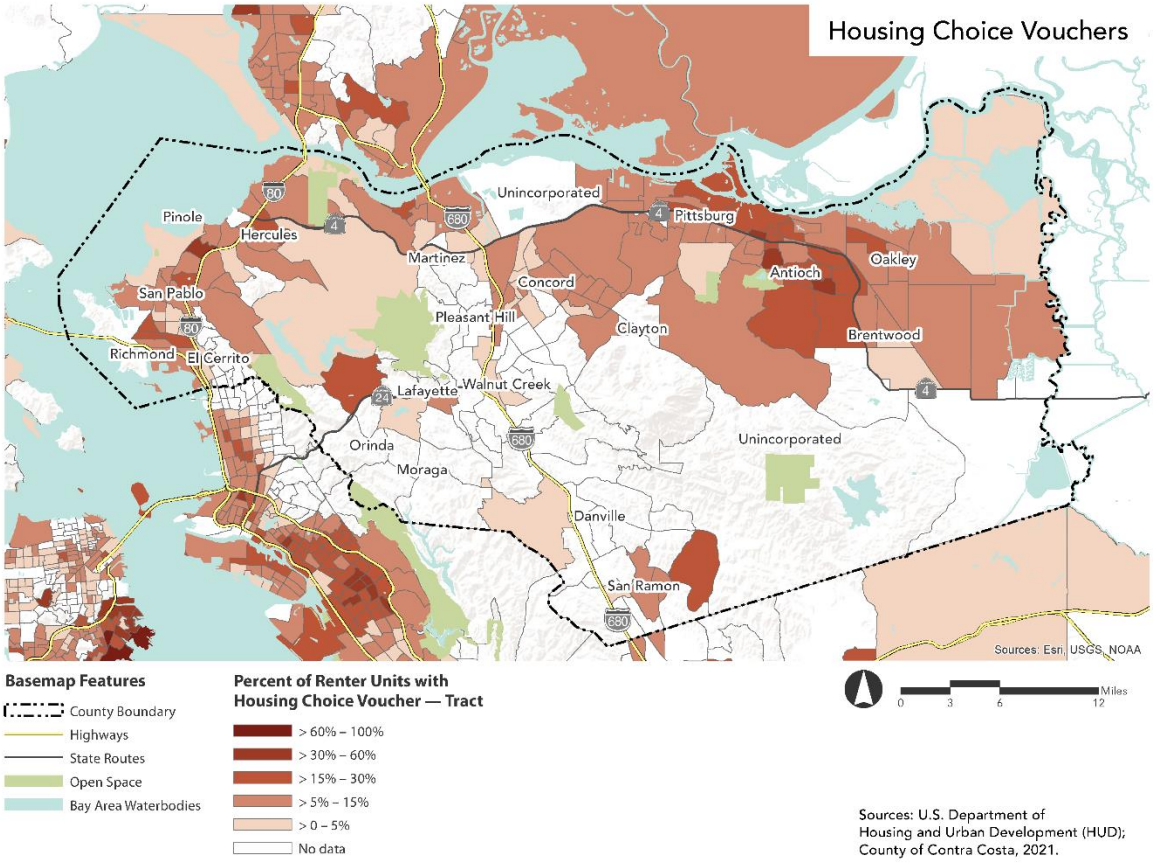


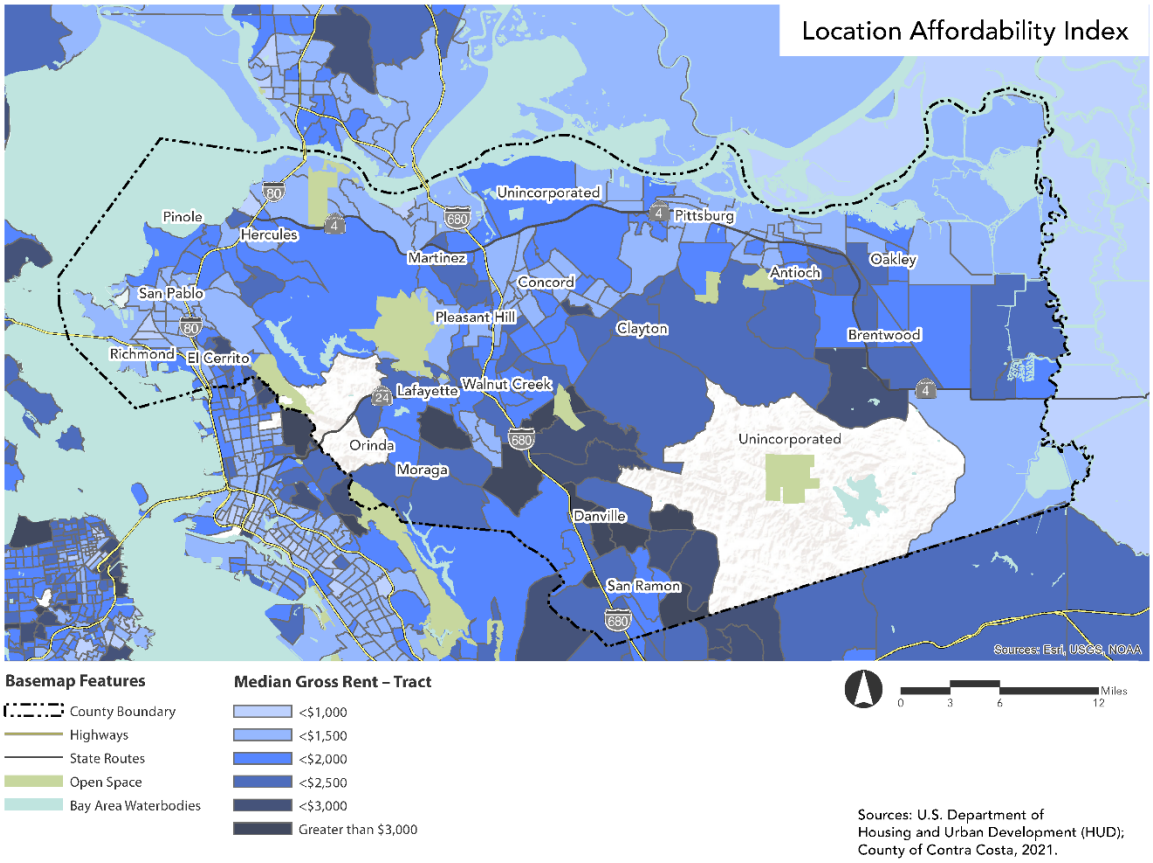
Figure 7-12 shows the Location Affordability Index in Contra Costa County. The index was developed by HUD in collaboration with the Department of Transportation under the federal Partnership for Sustainable Communities. One objective of the partnership is to increase public access to data on housing, 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)

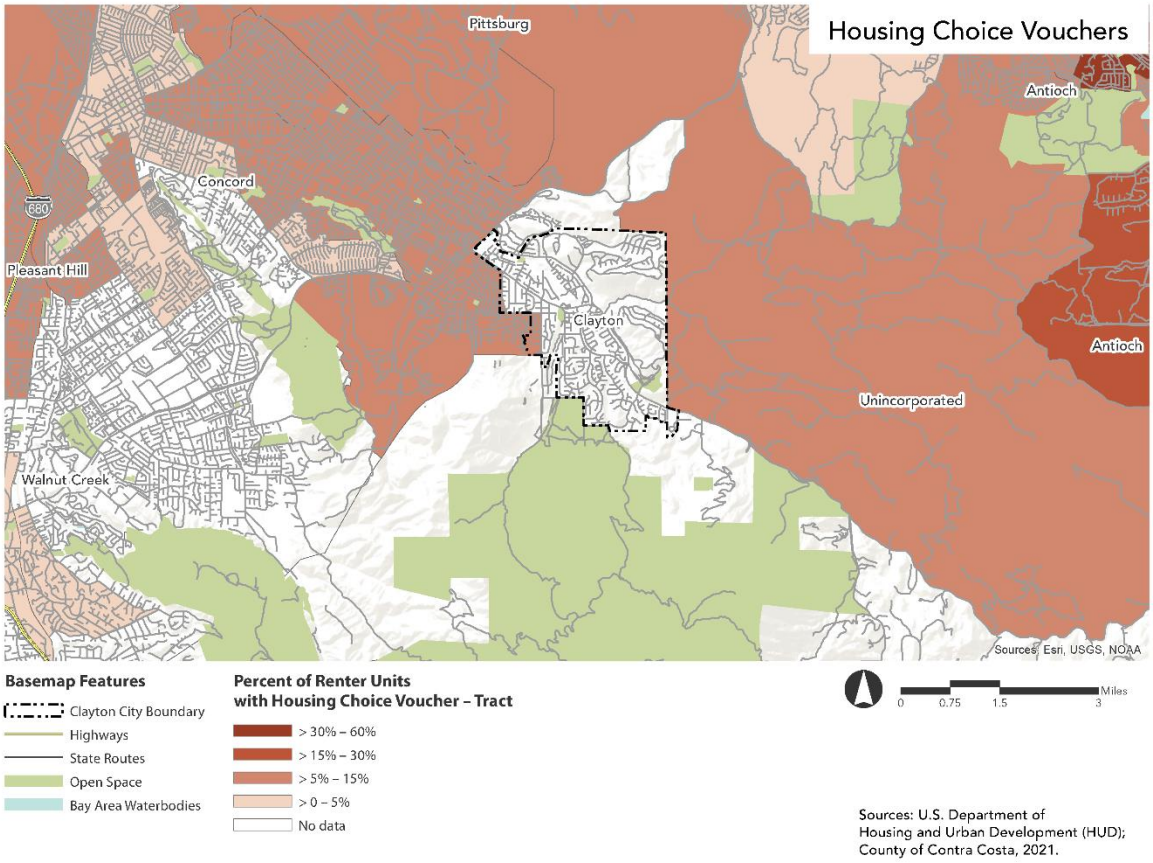
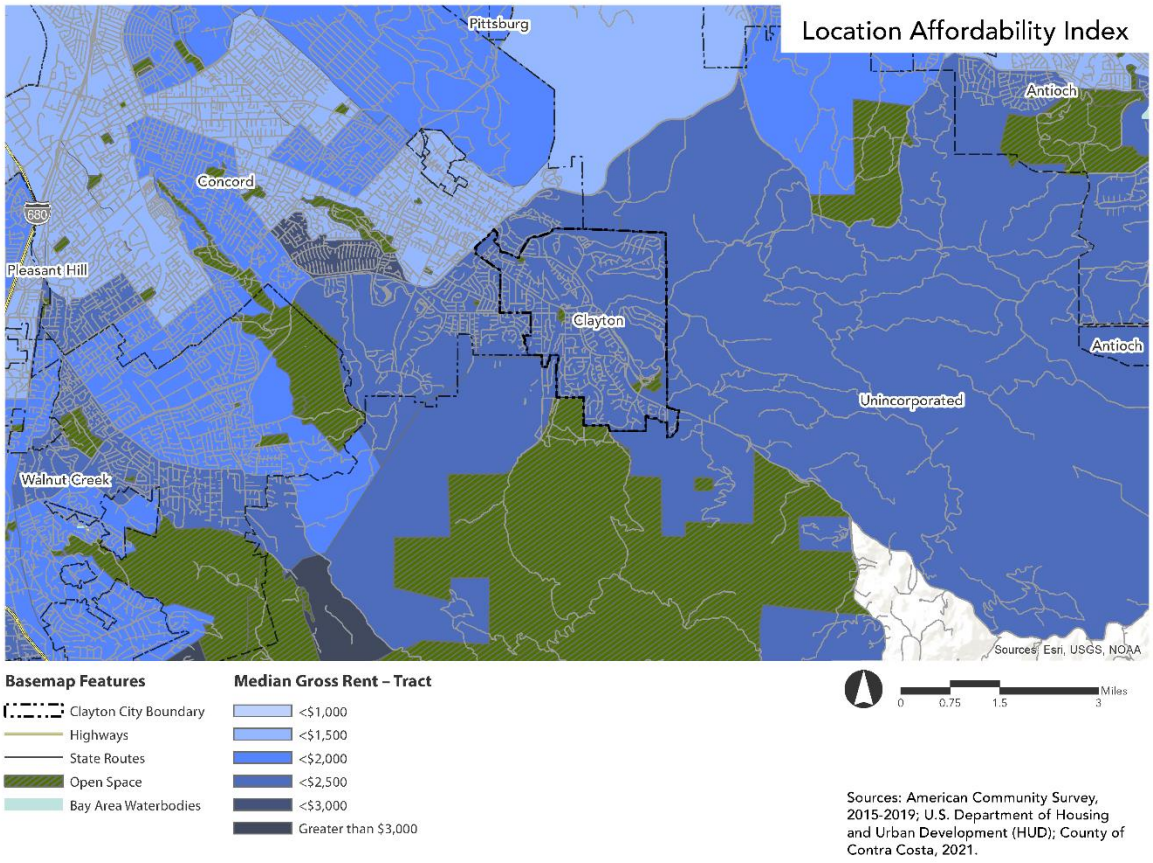


Figure 7-14: Location Affordability Index - Clayton (2021)

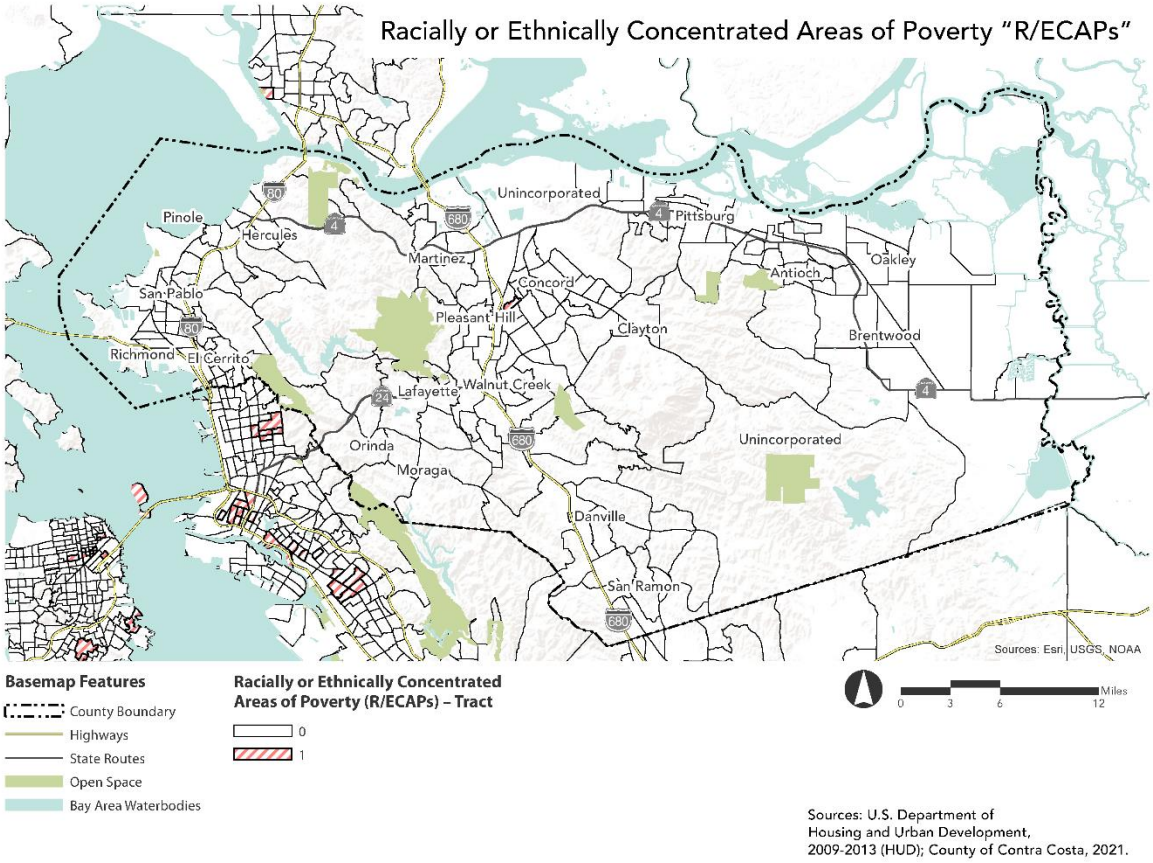


RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY (R/ECAP)

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

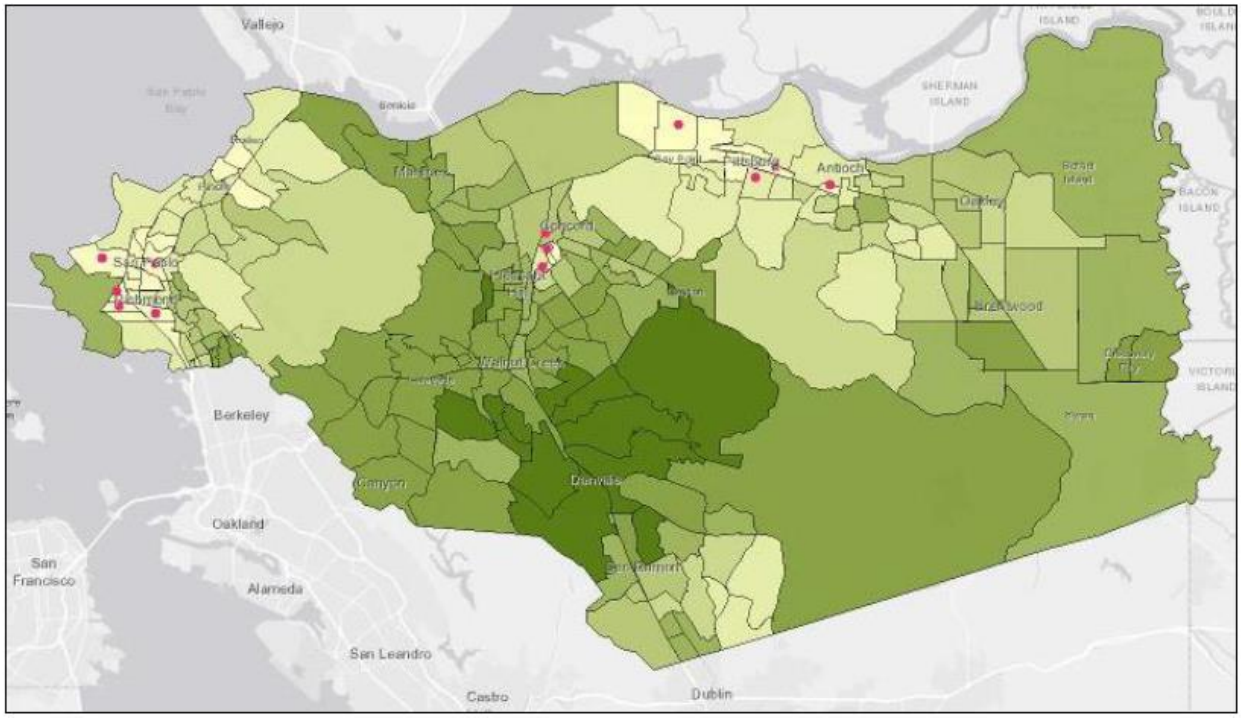
The HUD definition that utilizes the federal poverty rate is not suitable for analysis in the San Francisco Bay Area due to the high cost of living, according to the 2020 Contra Costa County AI. The HUD definition would severely underestimate whether an individual is living in poverty. The Contra Costa 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*~~



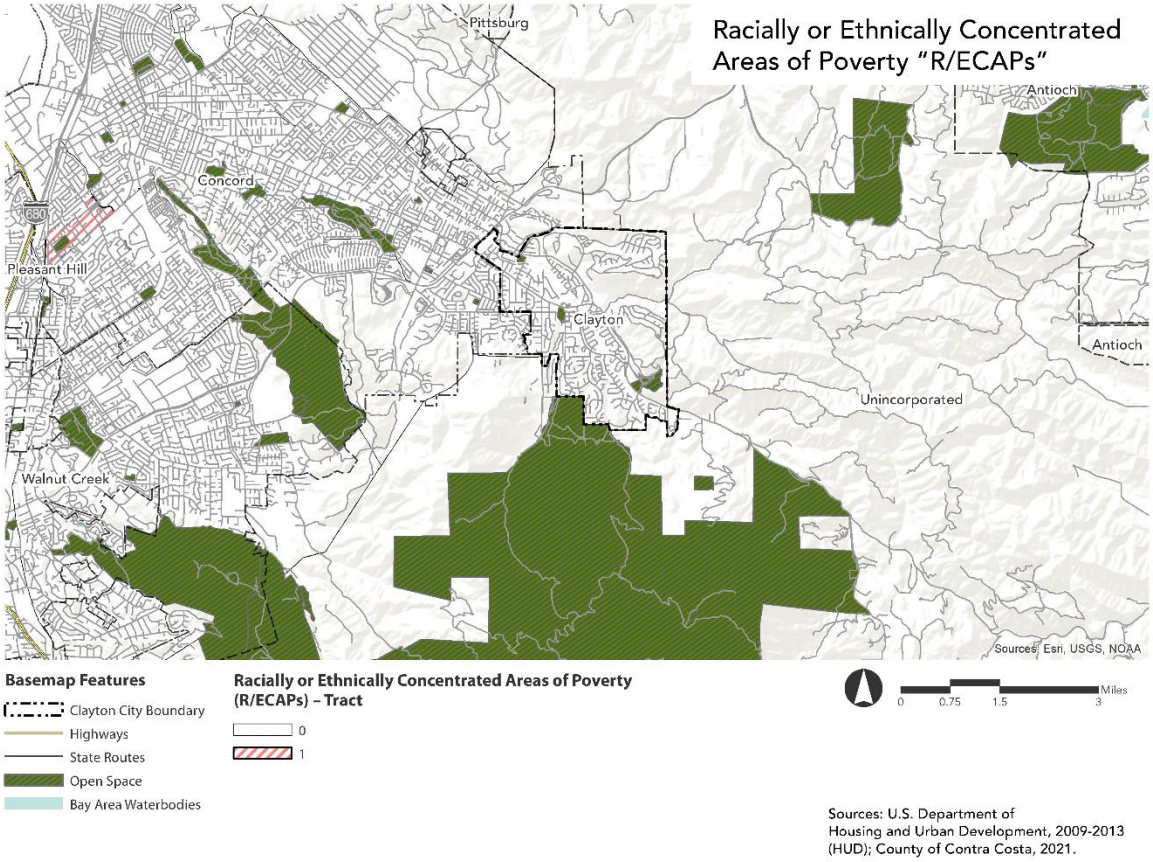
Source: Contra Costa County Analysis of Impediments to Fair Housing Choice January 2020-2025 (2020 AI).

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.

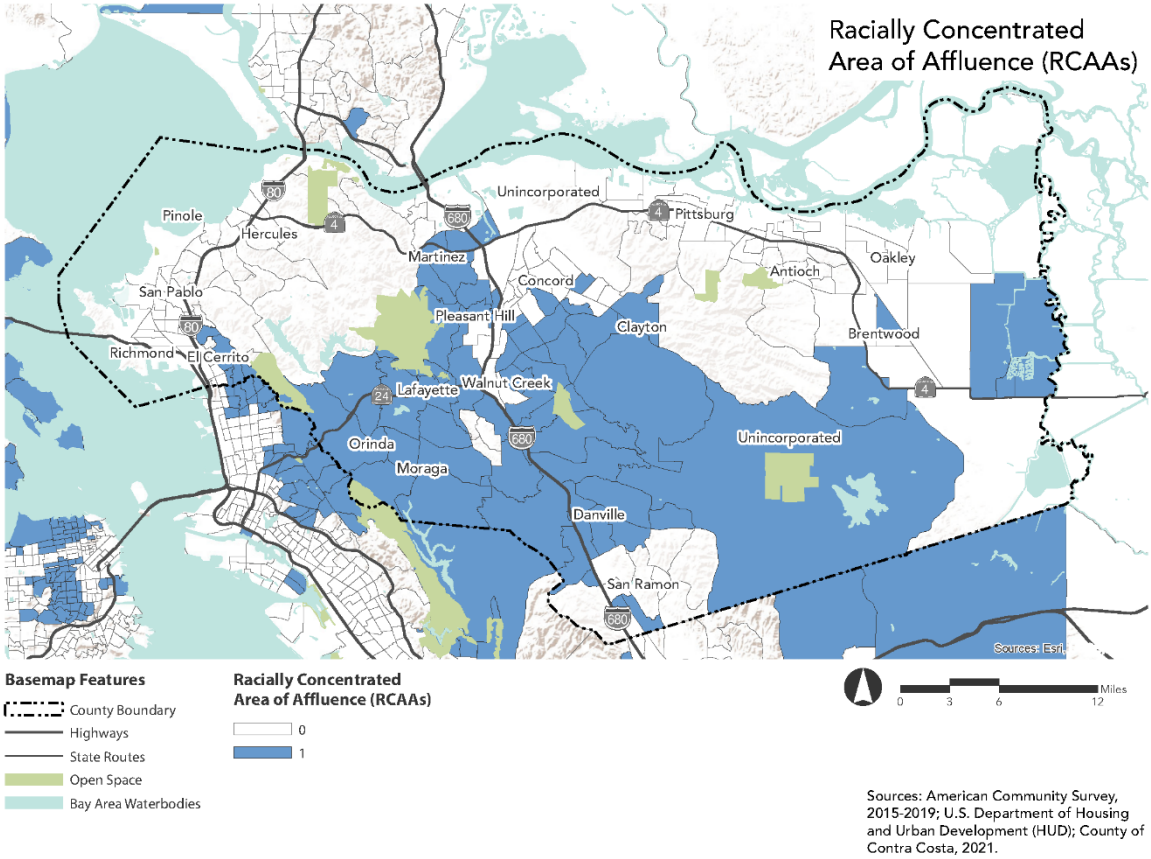
~~*Table 7-10: White Population and Median Household Income of RCAAs in Contra Costa County*~~

~~City~~	~~White Population~~	~~Median Household Income (2019)~~
~~Danville~~	~~80.53%~~	~~$160,808~~
~~Lafayette~~	~~81.23%~~	~~$178,889~~
~~Walnut Creek~~	~~74.05%~~	~~$105,948~~

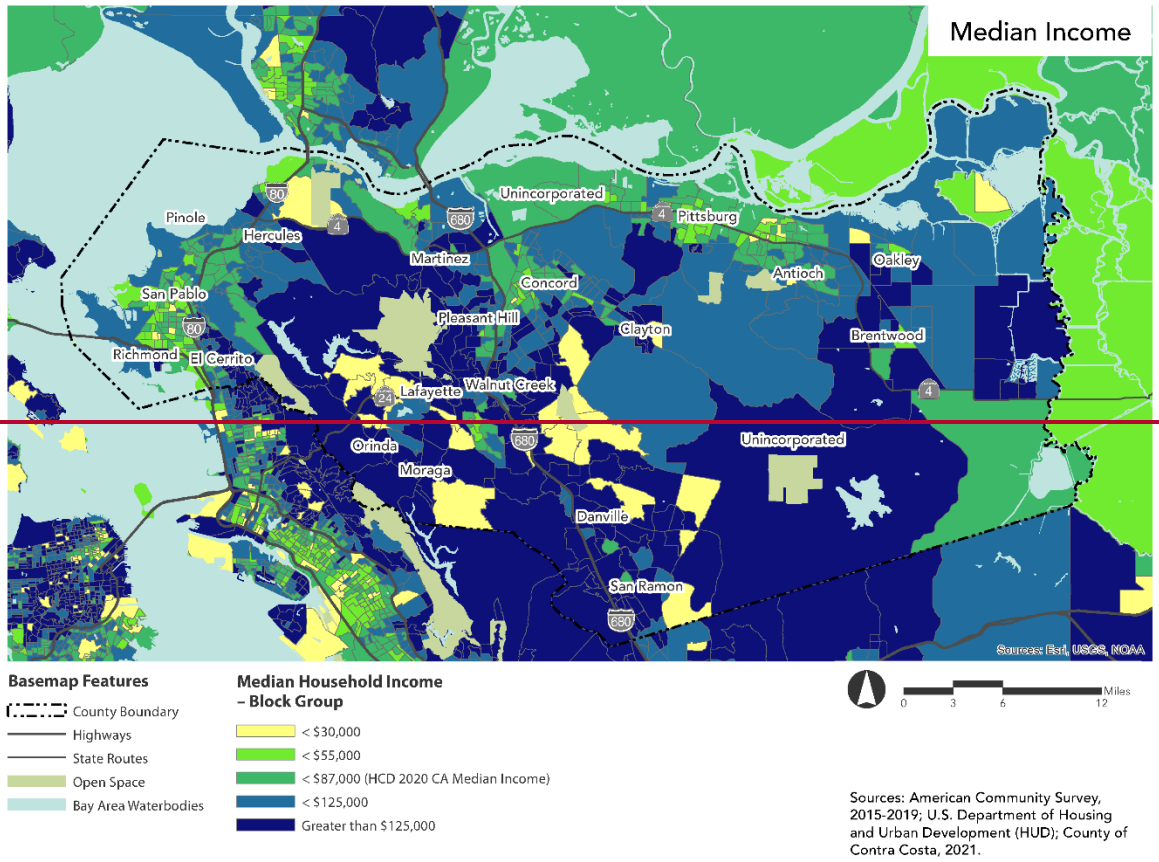
~~*Source: DataUSA.io (2019)*~~

~~*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.



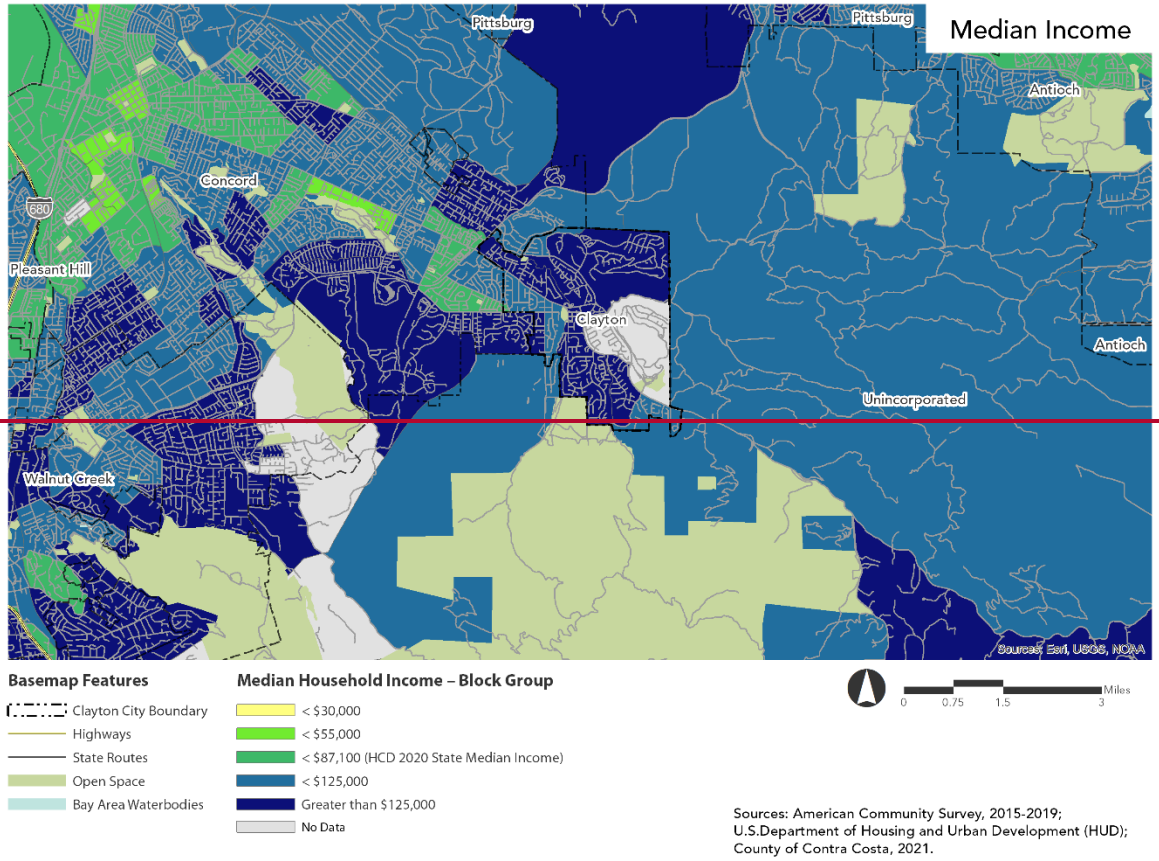
Local Trends

~~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

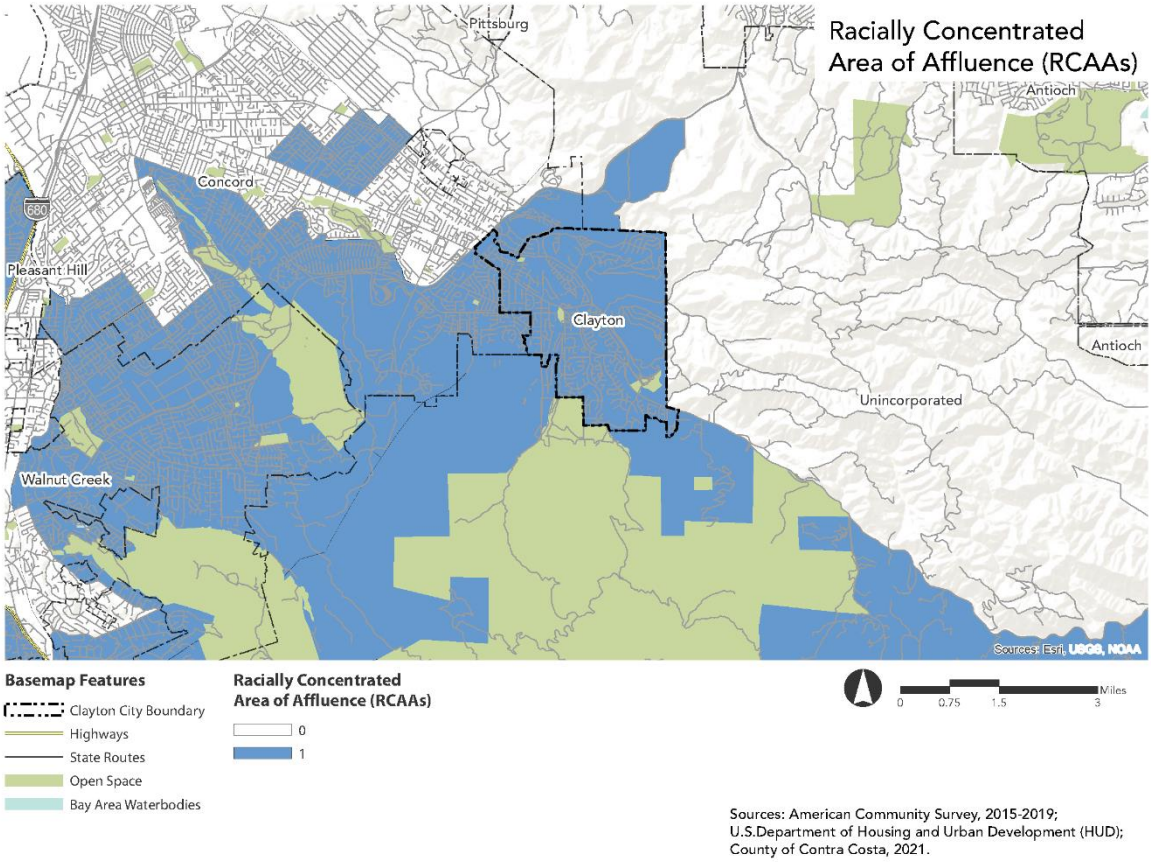
waterfront~~coastal~~ cities and areas of Antioch, Pittsburg, Bay Point, and Martinez, only southern Martinez bordering Pleasant Hill is identified as a RCAA. This pattern is reflective of higher percentages of non-White residents and lower household incomes in these communities, resulting in less advantaged communities.

~~*Figure 7-19: Median Income – Clayton (2021)*~~



Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Contra Costa, 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

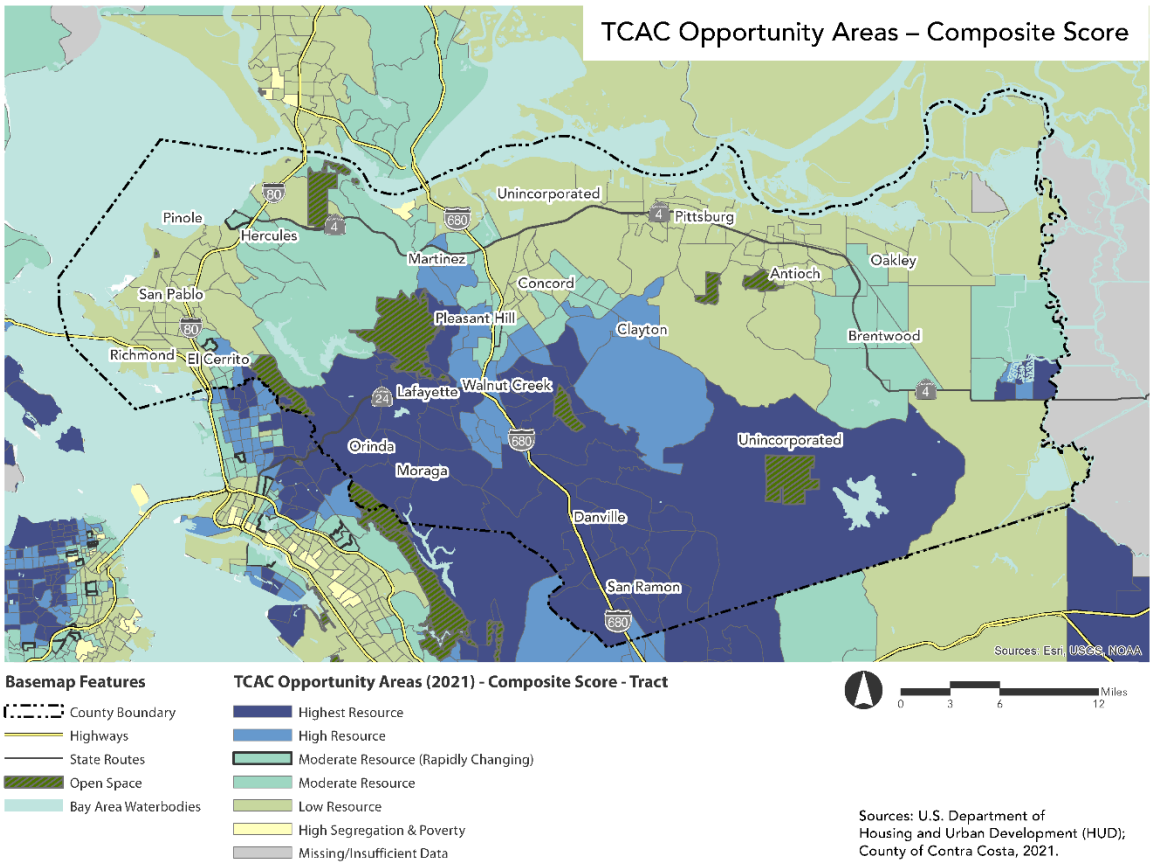
High resource areas have high index scores for a variety of opportunity indicators such as high employment rates, low poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards. High resource tracts are areas that offer low-income residents the 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)

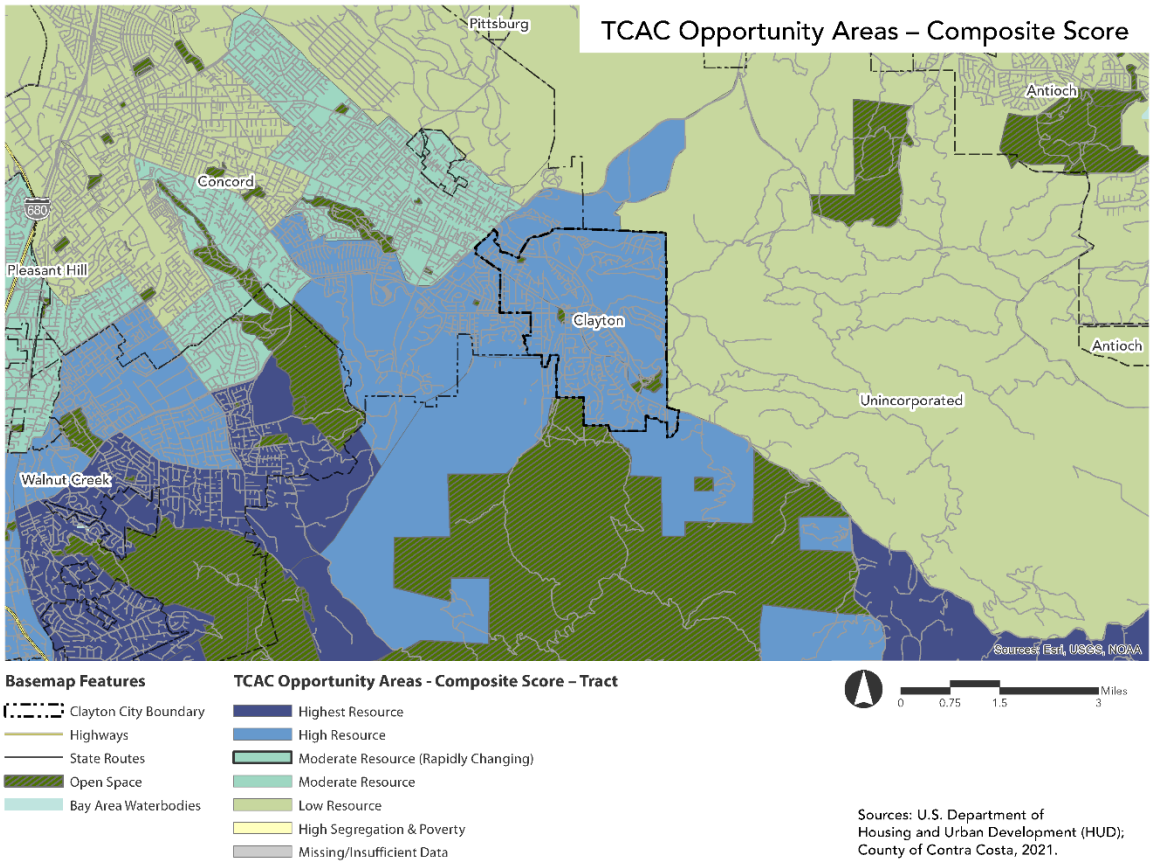


Local Trends

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 7-102 ~~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~~10~~2: 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

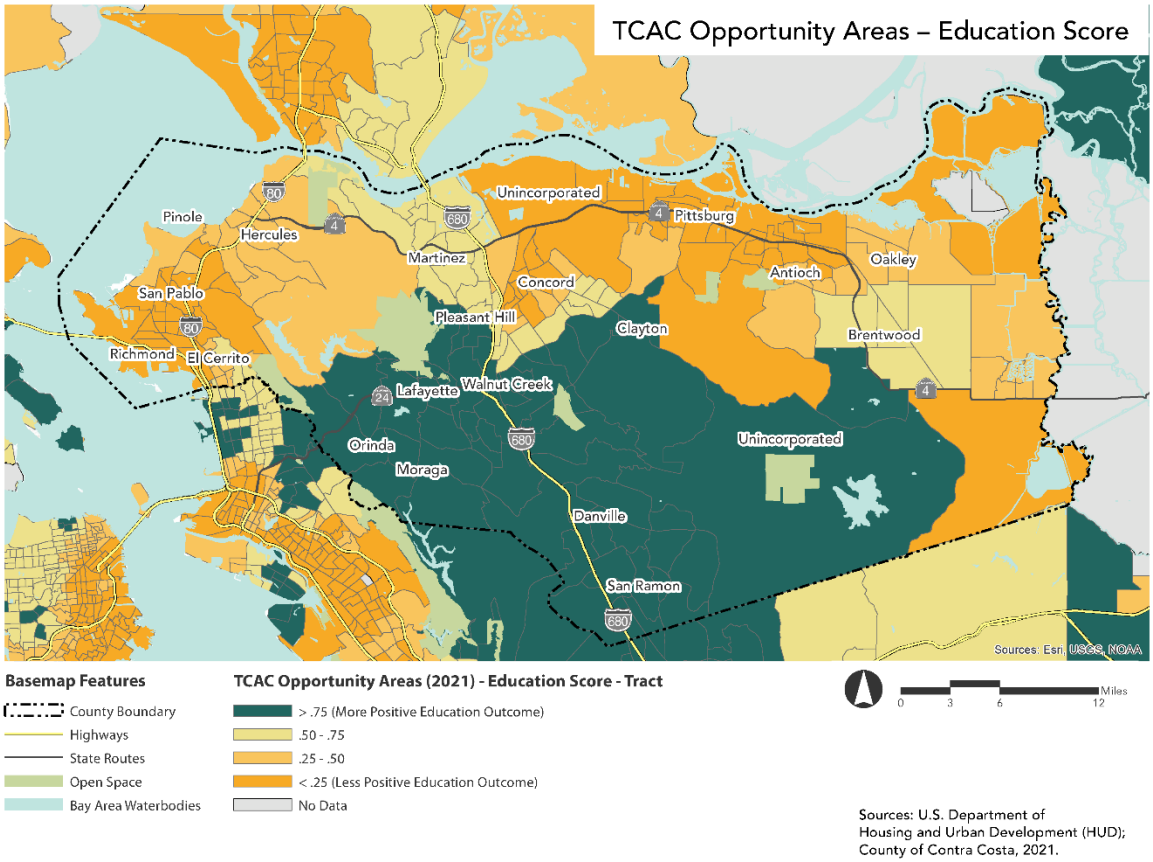
Housing and school policies are mutually reinforcing, which is why it is important to analyze access to educational opportunities when assessing fair housing. At the most general level, school districts with the greatest amount of affordable housing tend to attract larger numbers of LMI families (largely 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)

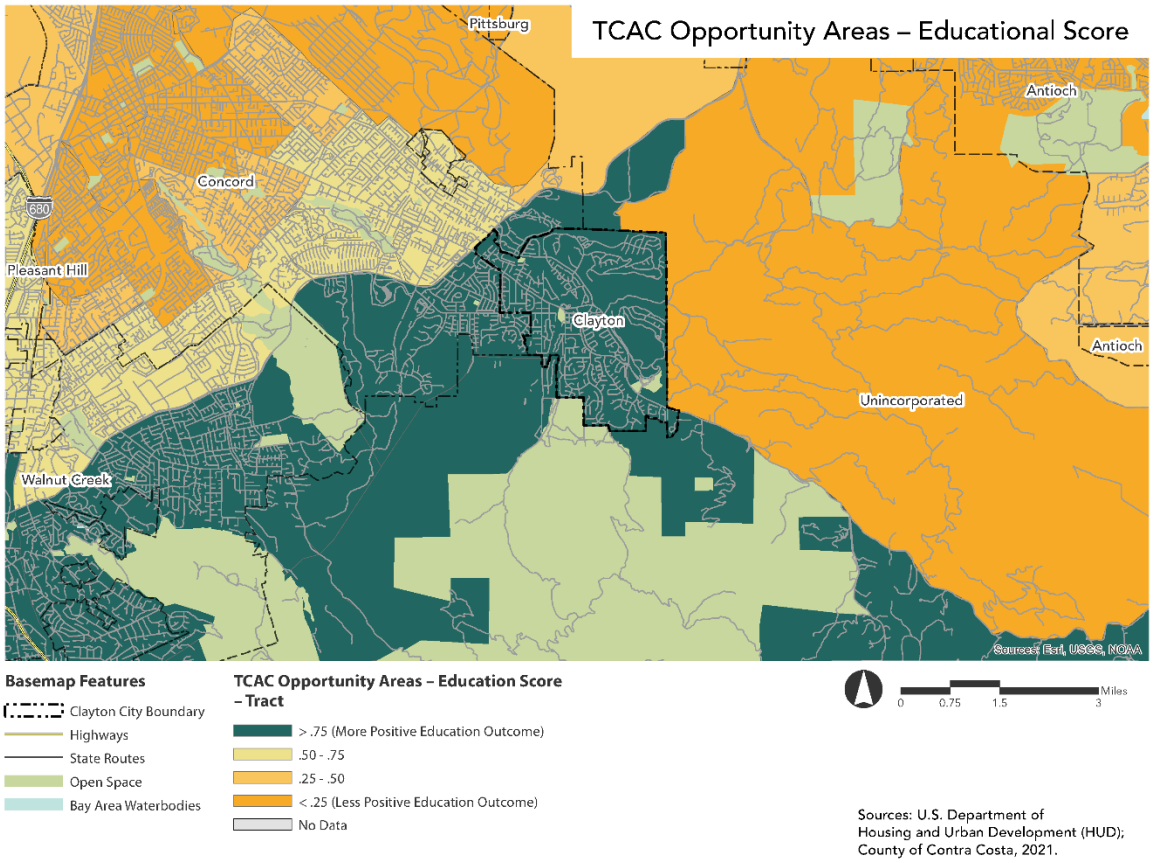
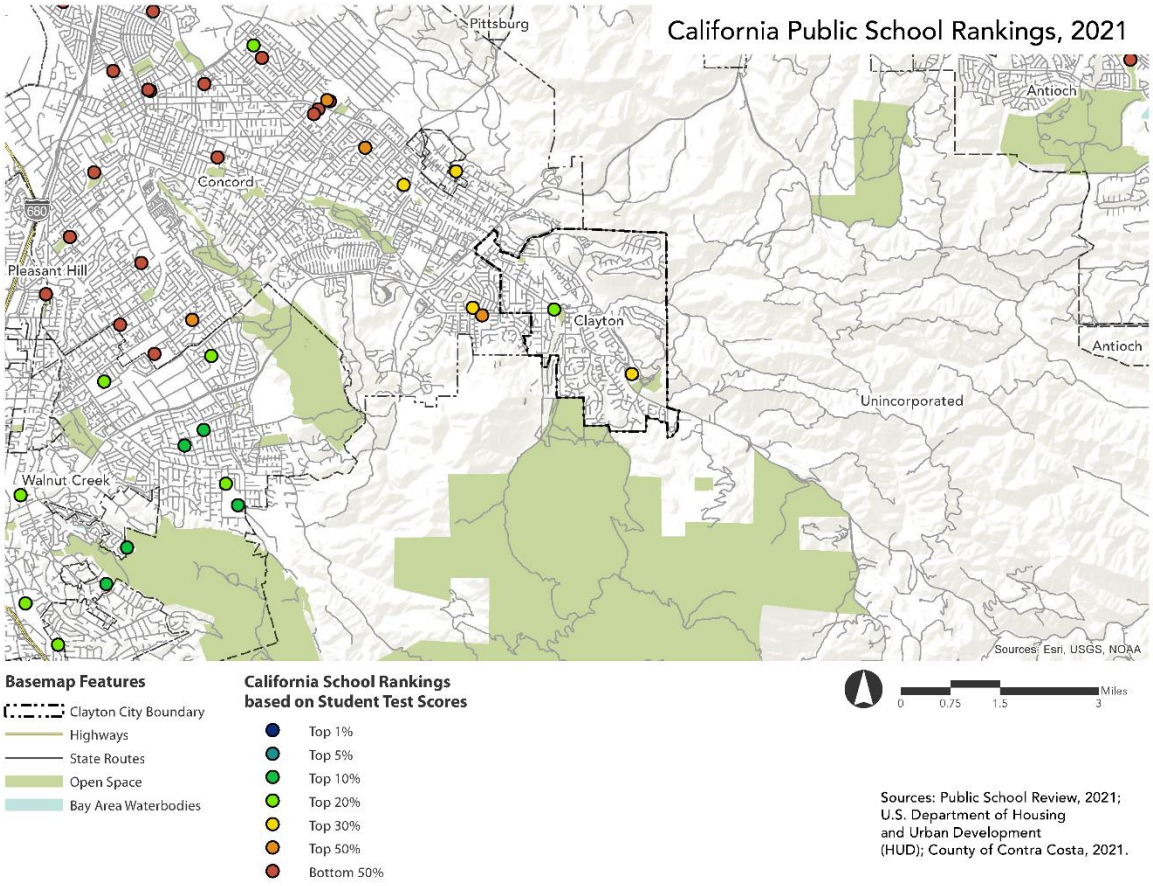


Figure 7-24: California Public School Rankings (2021)



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.

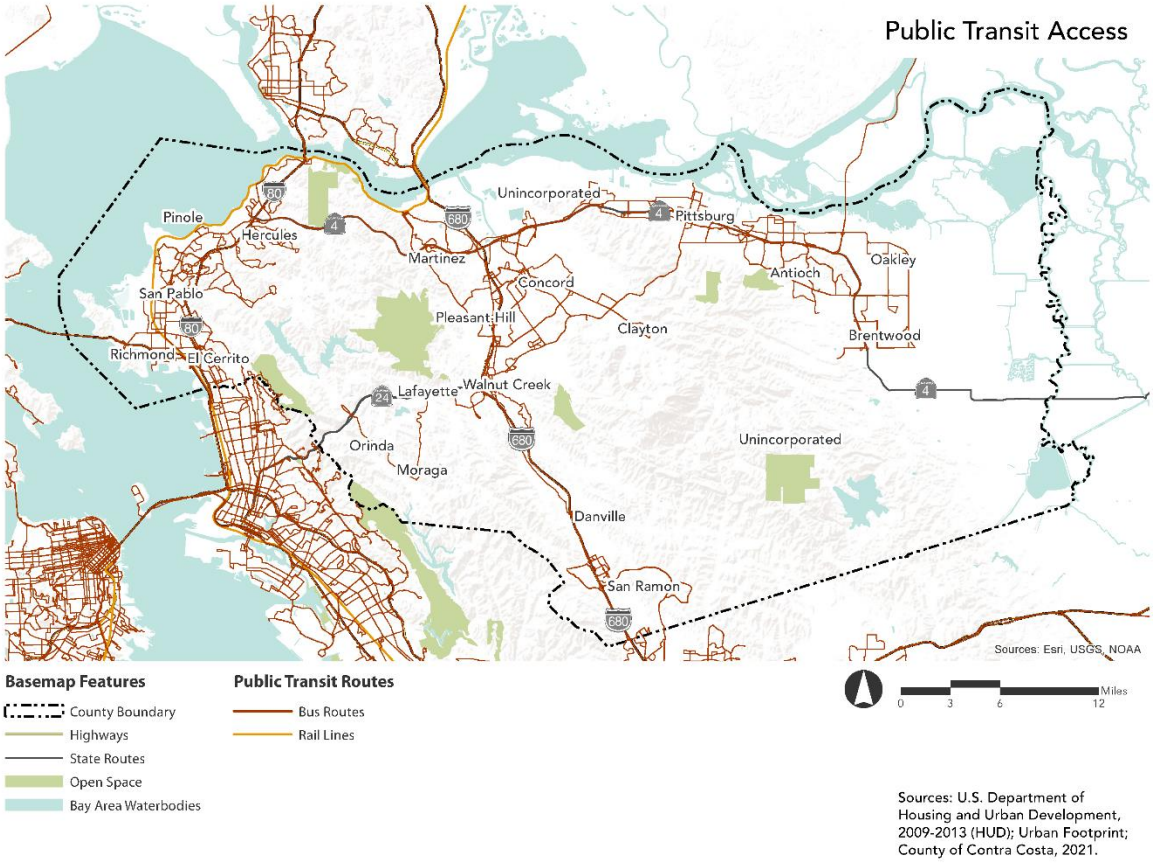
Within Contra Costa County, transit is generally not as robust as compared to more urban cities in the Bay Area, in despite growing demand for public transportation among the County's residents. The lack of adequate public transportation makes it more difficult for lower-income people to access jobs. 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)

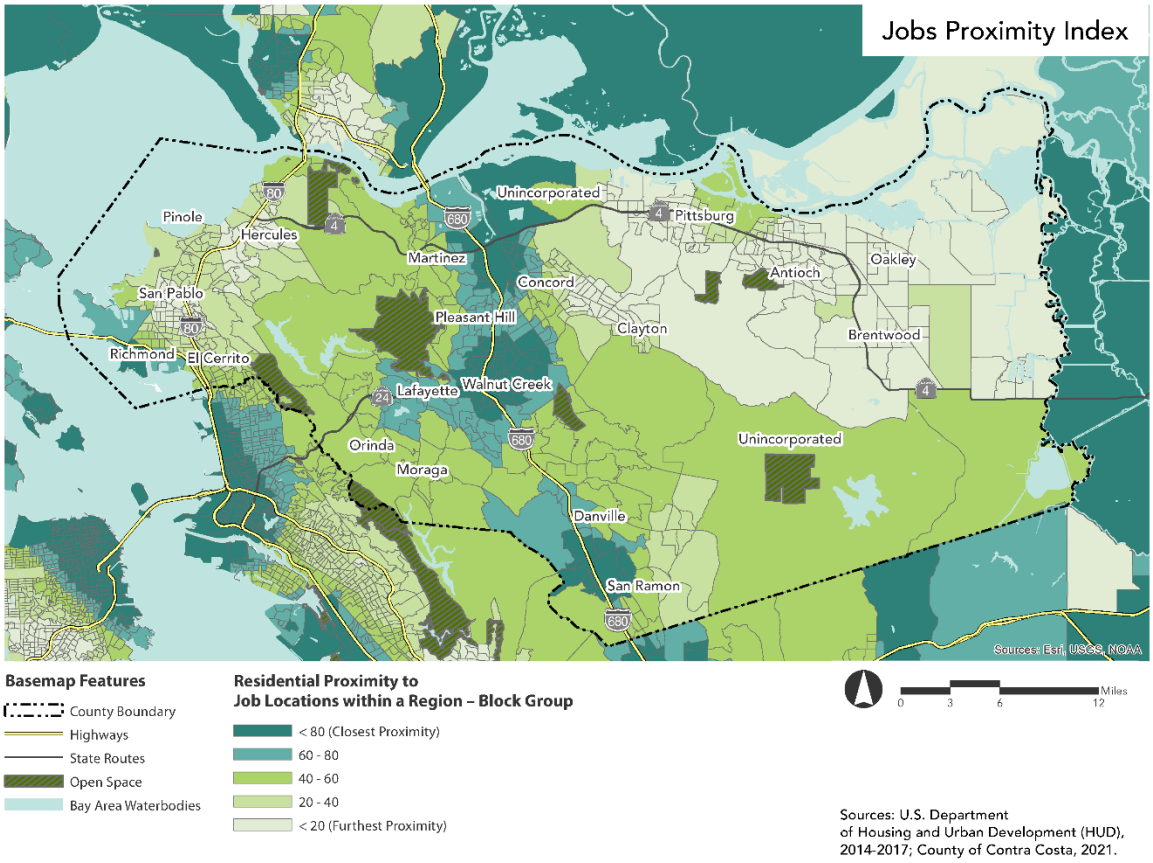
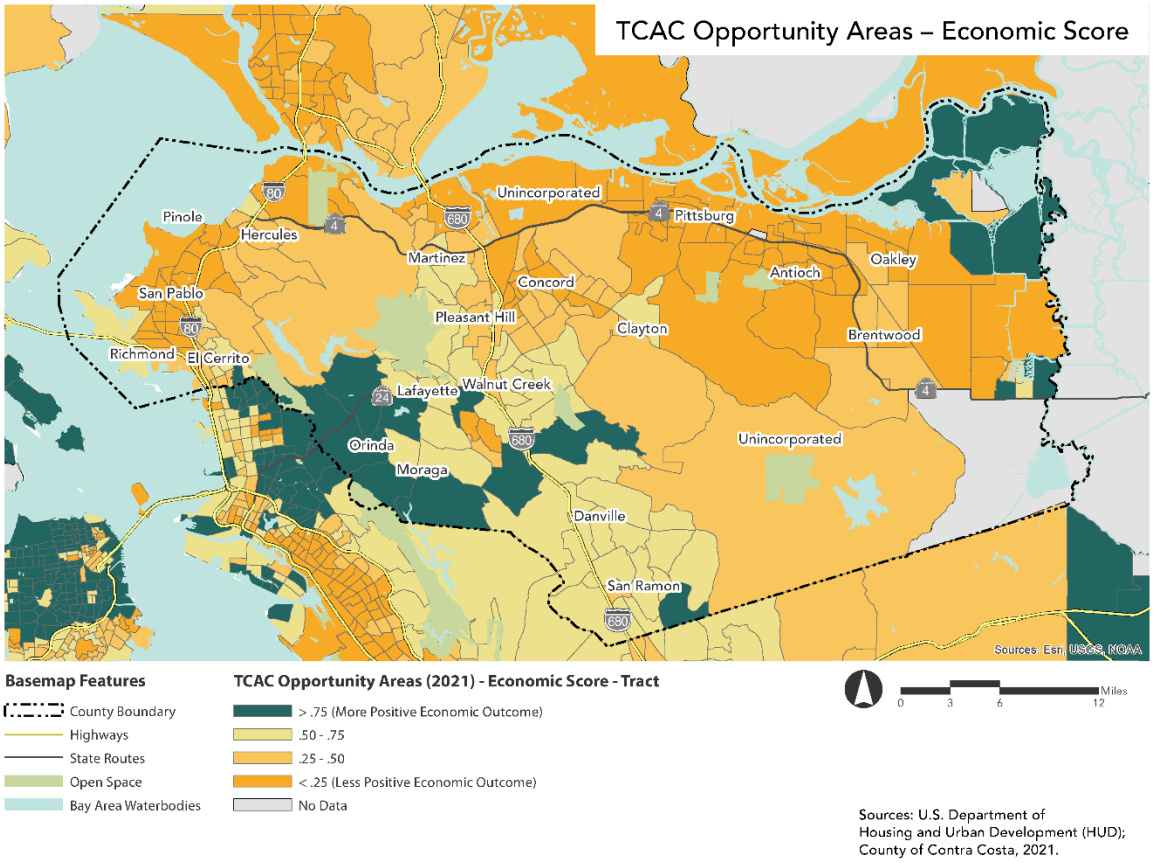


Figure 7-27: Regional TCAC Opportunity Areas – Economic Score (2021)



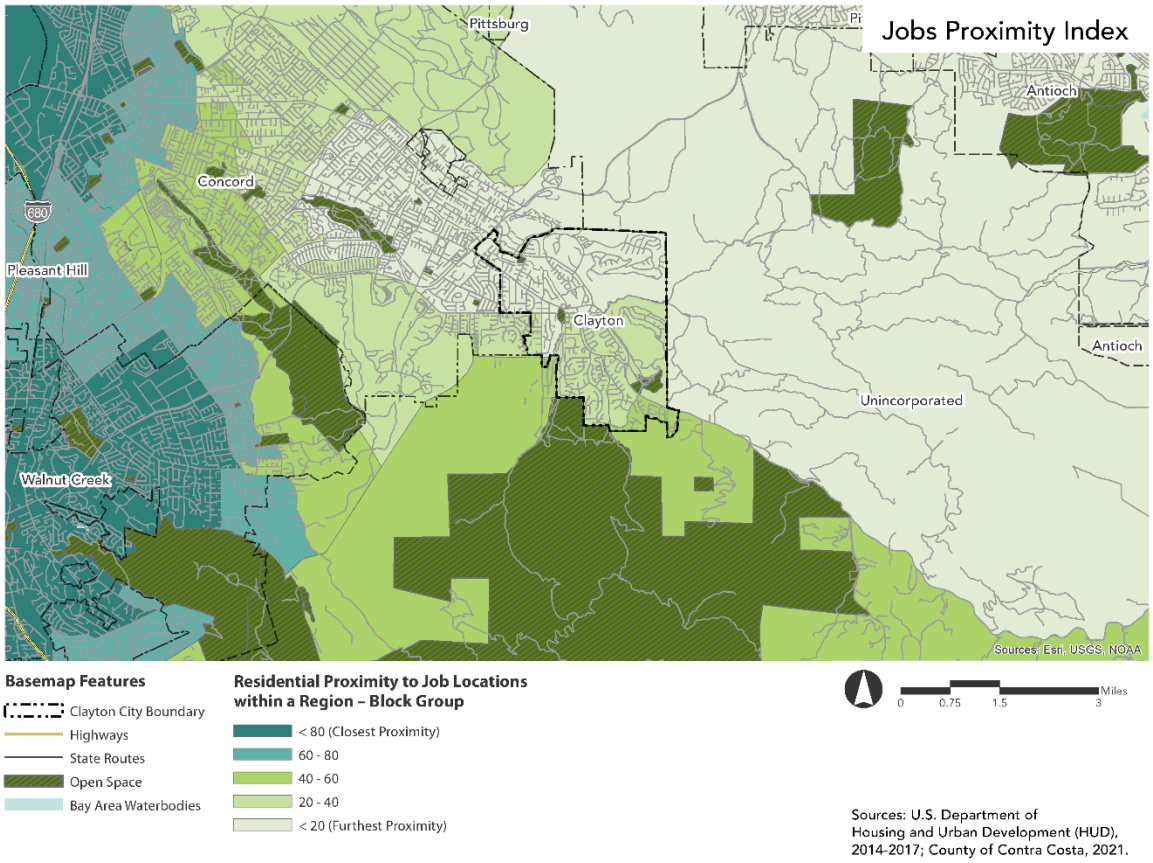
Local Trends

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

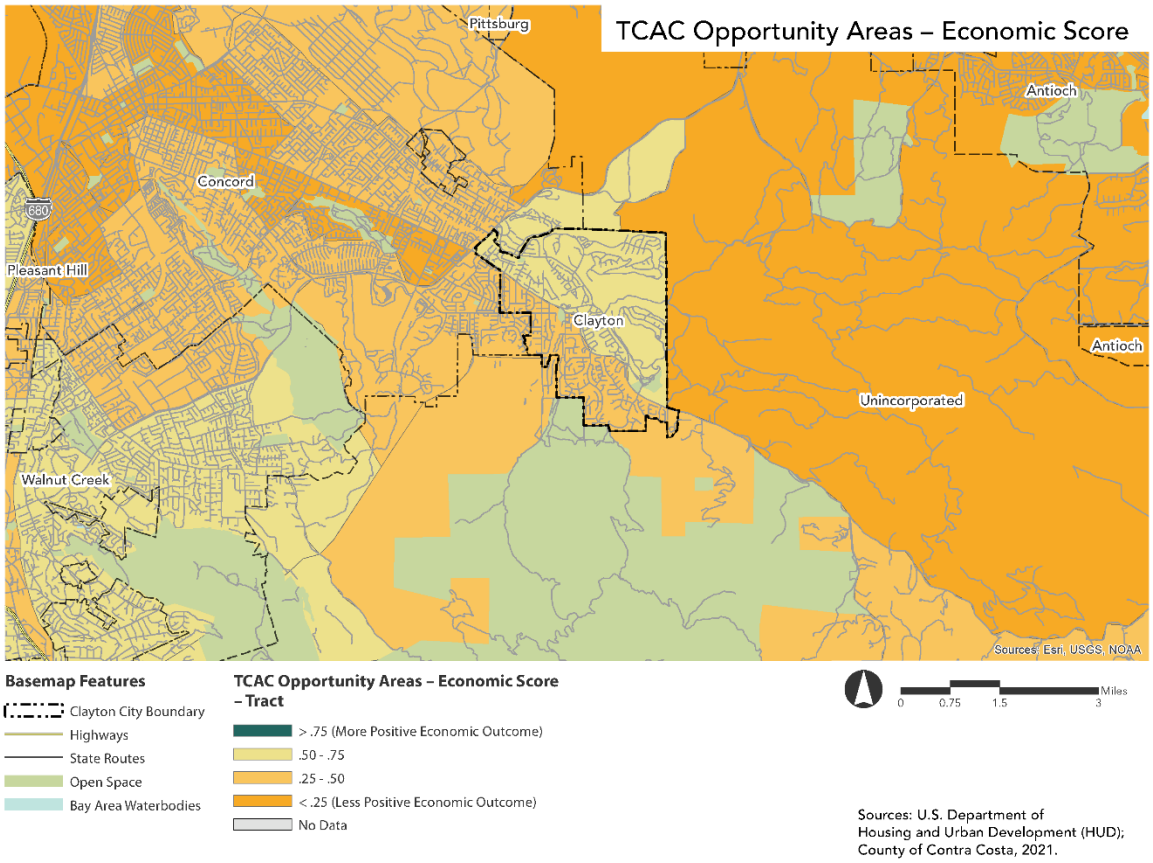
the city along I-680 receiving scores above 80, indicating the closest job proximity. The western parts of the city fa~~u~~rther from the interstate and commercial corridor receive~~s~~ scores between 40 to 60.

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)

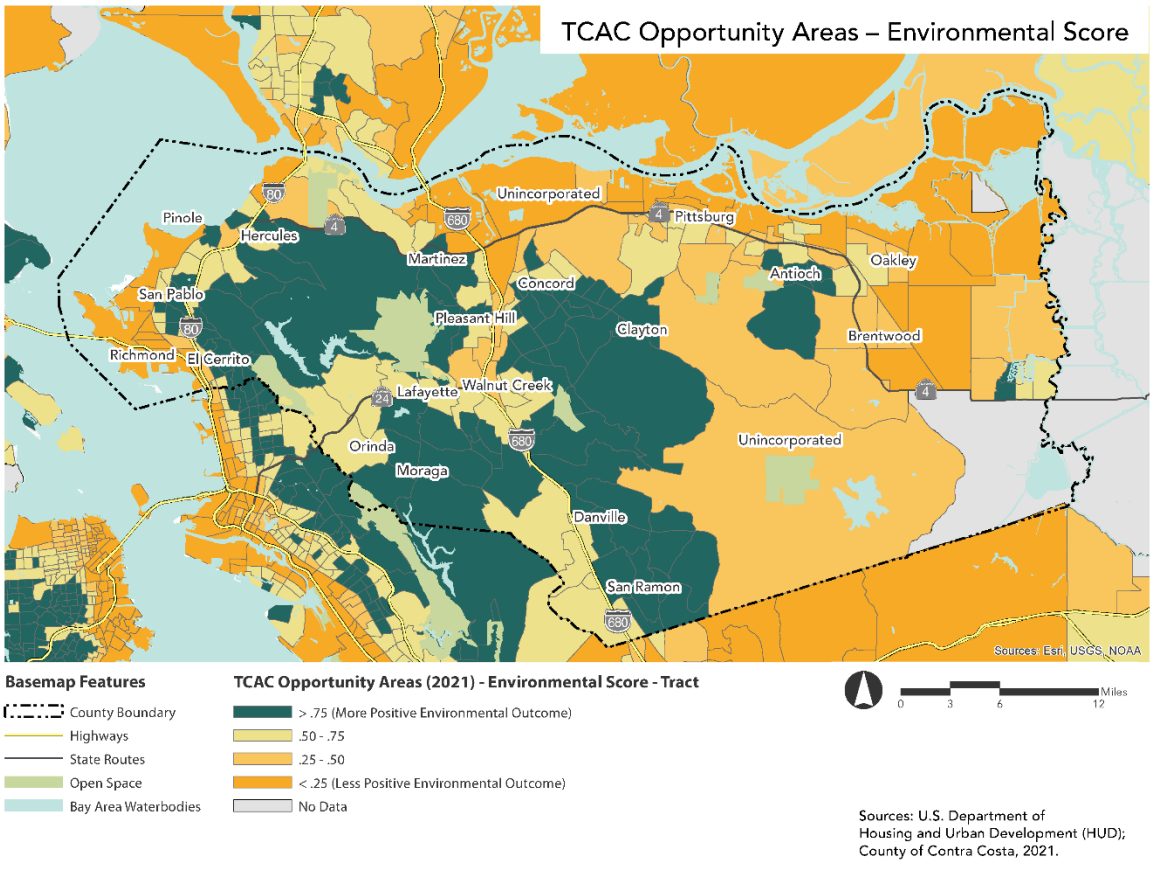
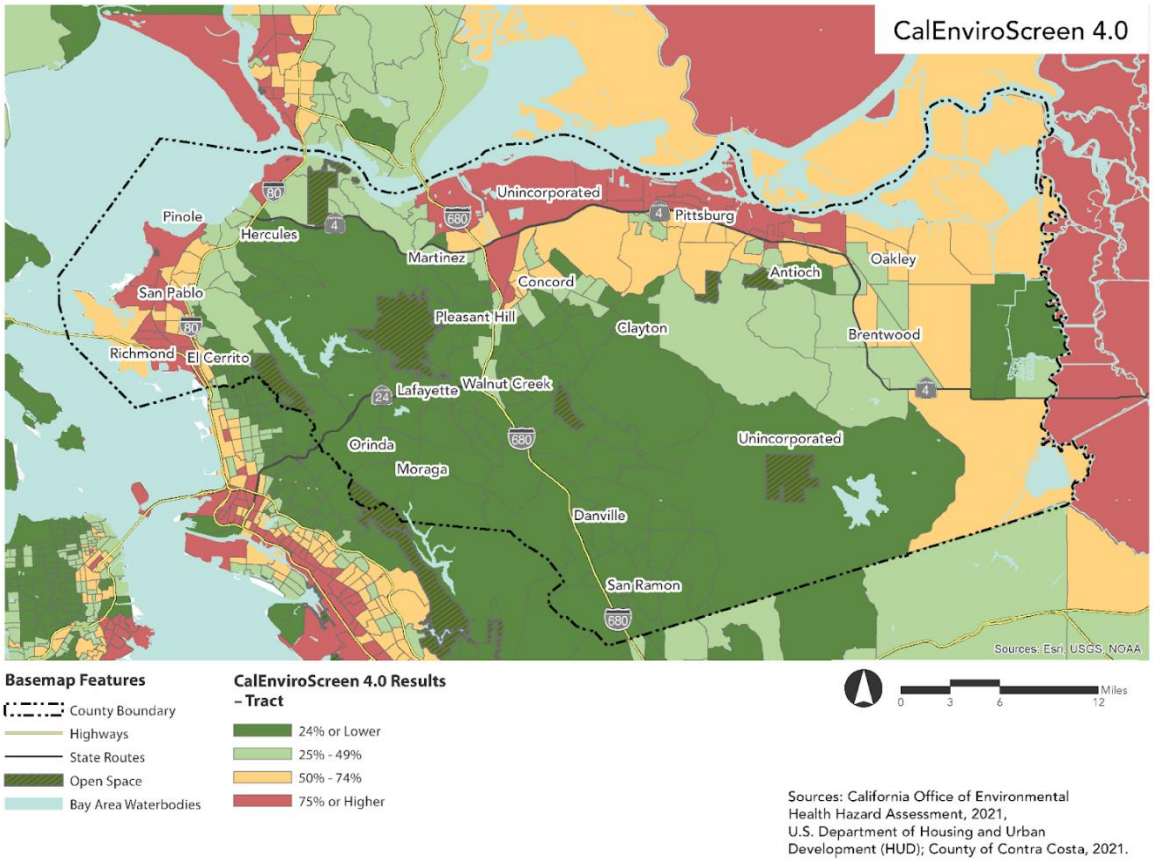


Figure 7-31 shows updated scores for CalEnviroscreen 4.0 released by the California Office of Environmental Health Hazard Assessment. ~~-~~Adverse environmental impacts are concentrated around the northern border of the County (Bay Point to Pittsburg) and the western County border (Richmond to Pinole). 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).

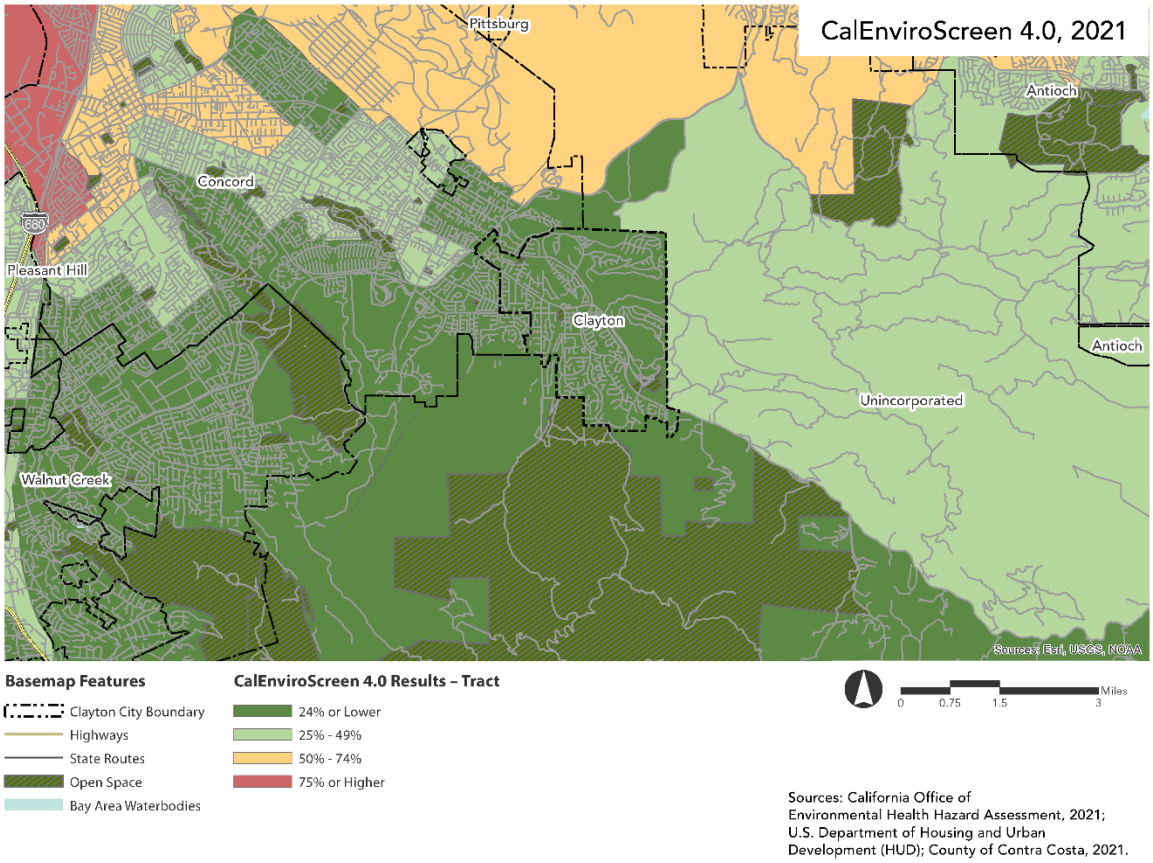
Figure 7-31: Regional CalEnviroScreen 4.0 (2021)



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)



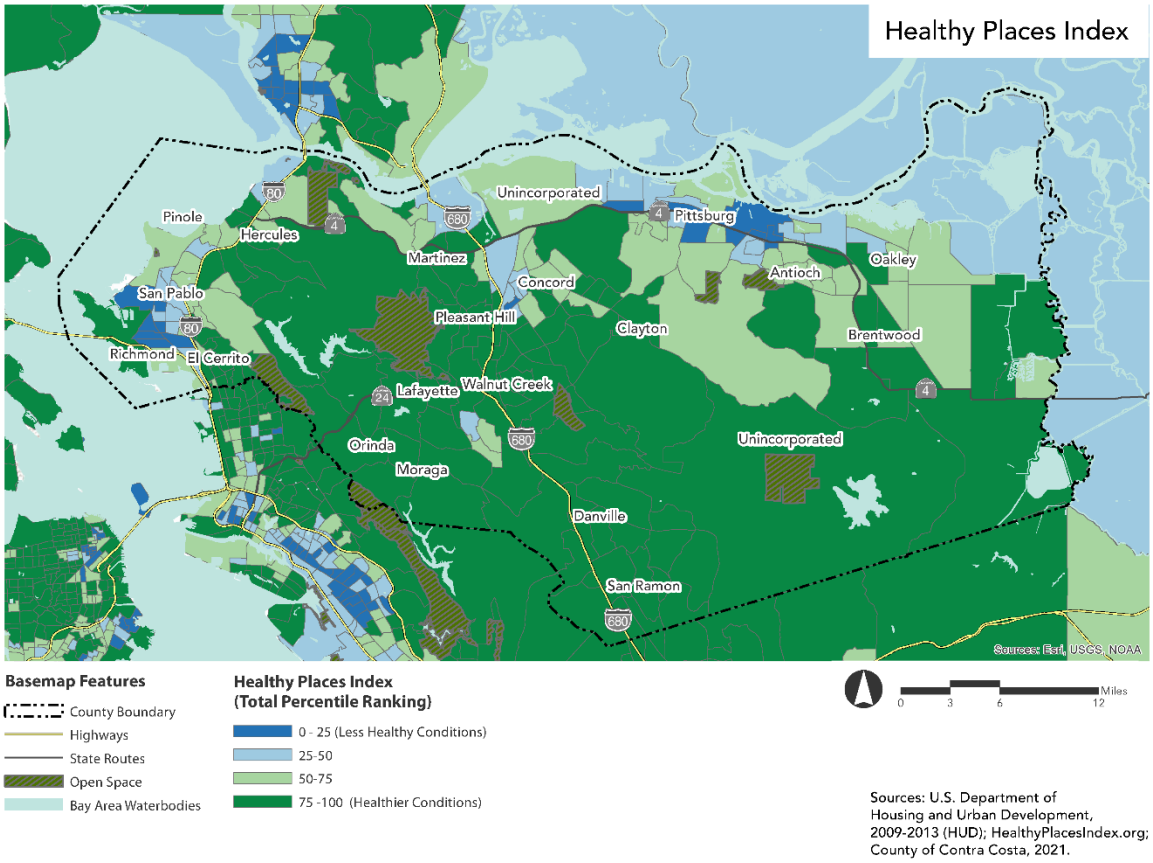
HEALTH AND RECREATION

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.

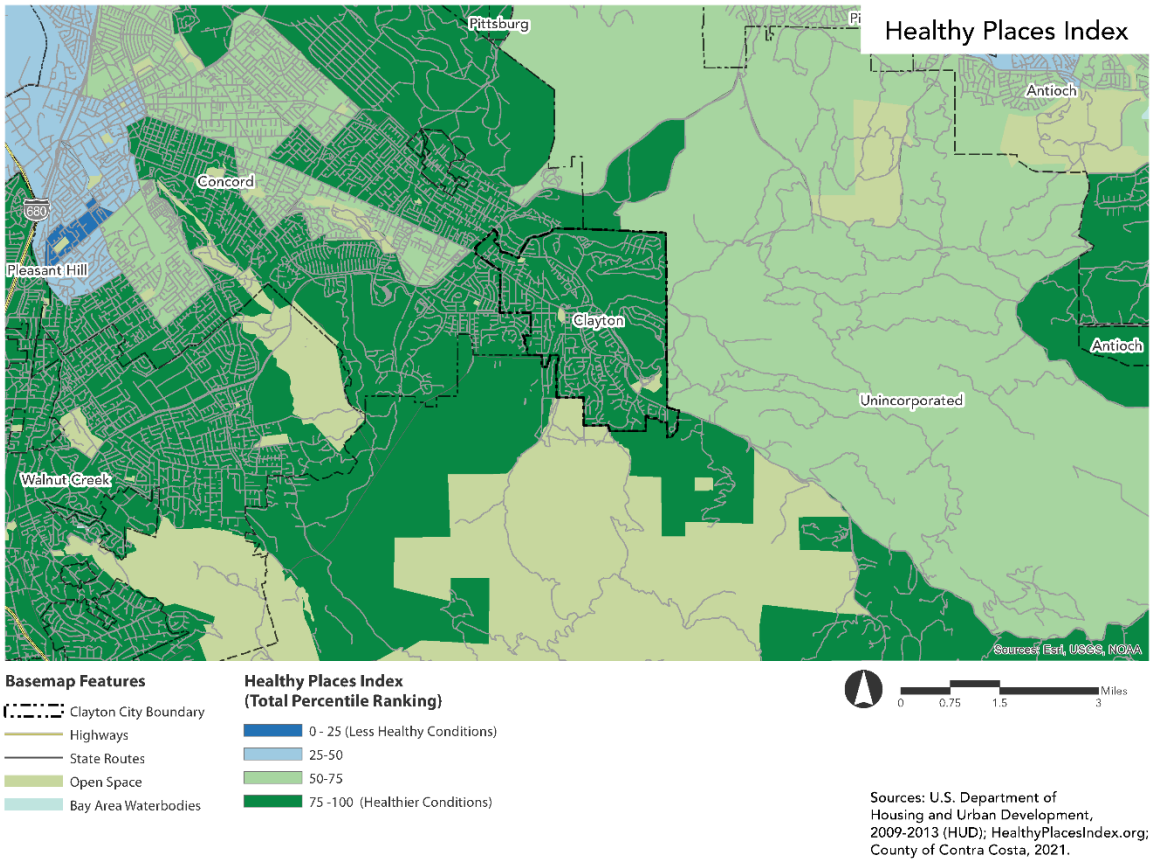
Figure 7-33: Regional Healthy Places Index (2021)



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 7-1213 lists the demographics of households with housing problems in the County.

Table 7-1213: 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 7-1324 lists the number of households with housing problems according to household type.

Table 7-1324: 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)

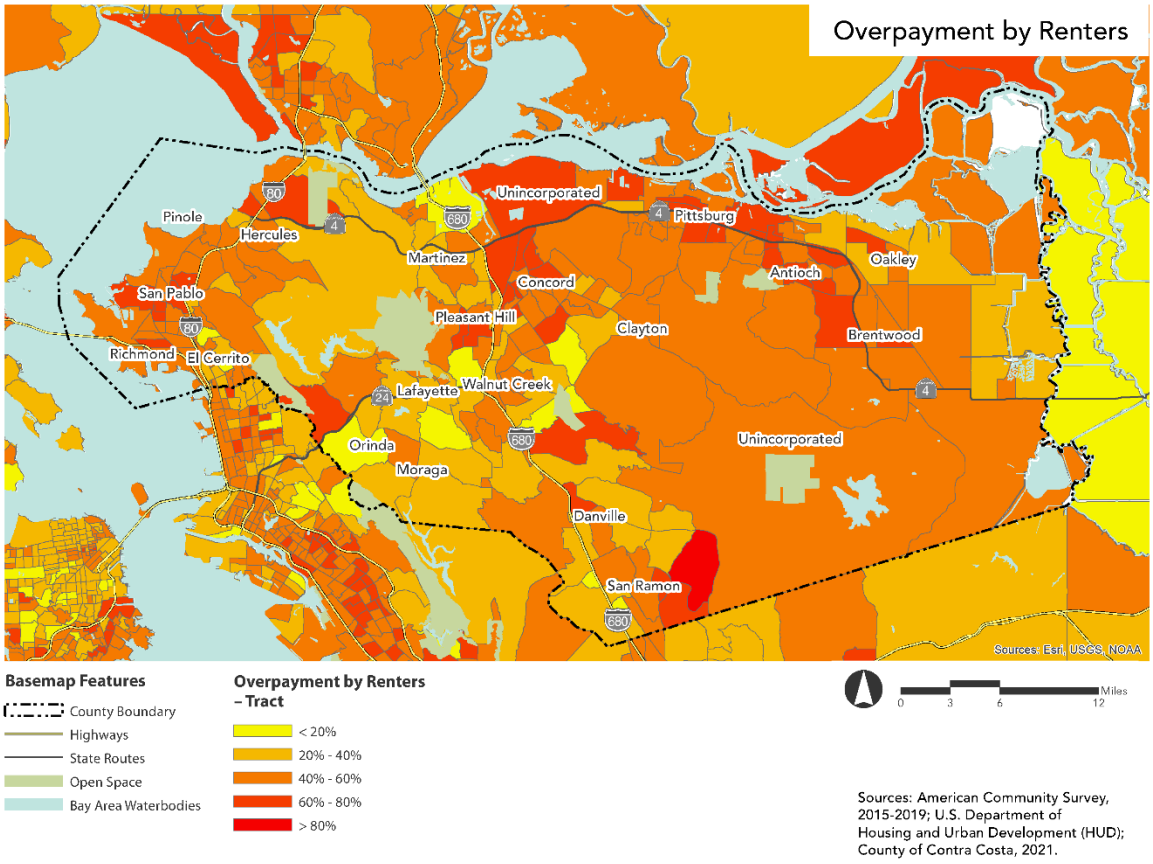
COST BURDEN (OVERPAYMENT)

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~~45: Households that Experience Cost Burden by Tenure in Contra Costa County and Clayton

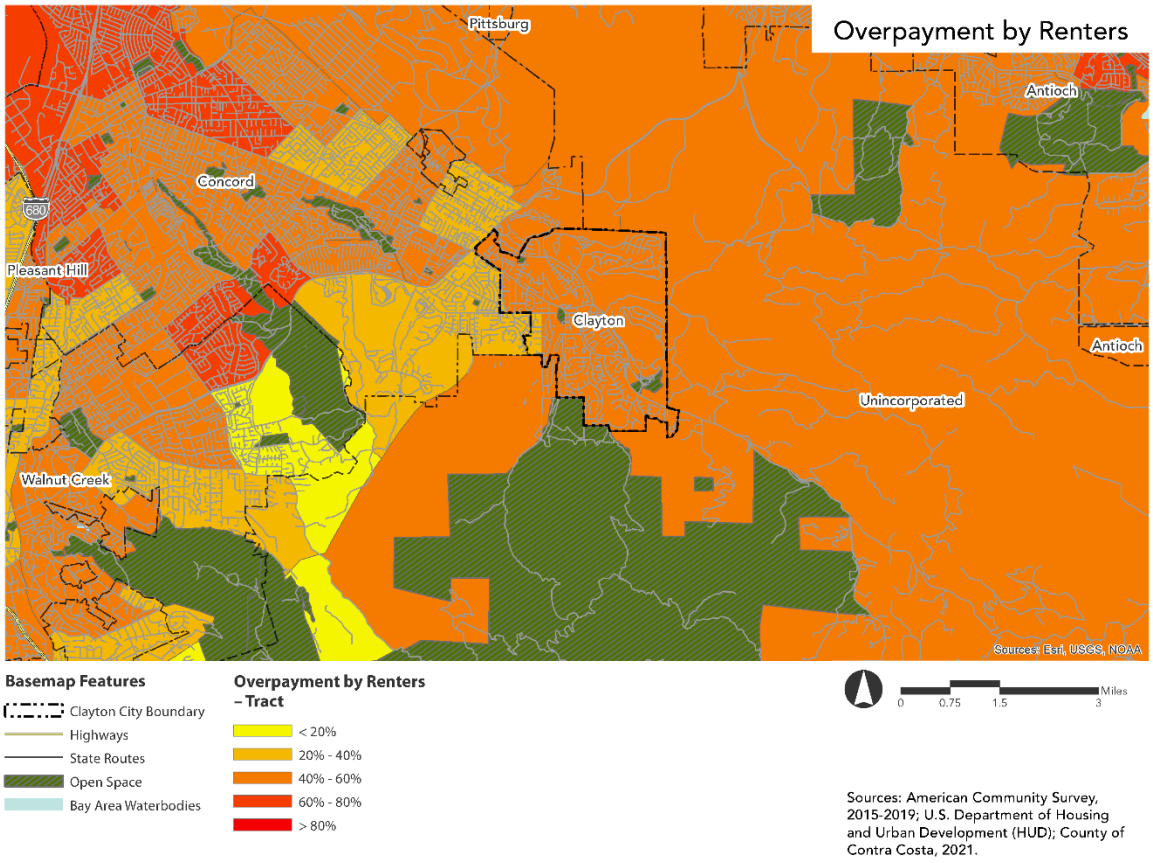
Contra Costa County				
Total Number of Households		**Cost burden > 30%**	**Cost burden > 50%**	**Percentage of Households that Experience Cost Burden**
Owners Only	257,530	74,545	30,010	40.6%
Renters Only	134,750	65,055	33,040	72.8%
All Households	392,280	139,595	63,050	51.6%
Clayton				
Total Number 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)



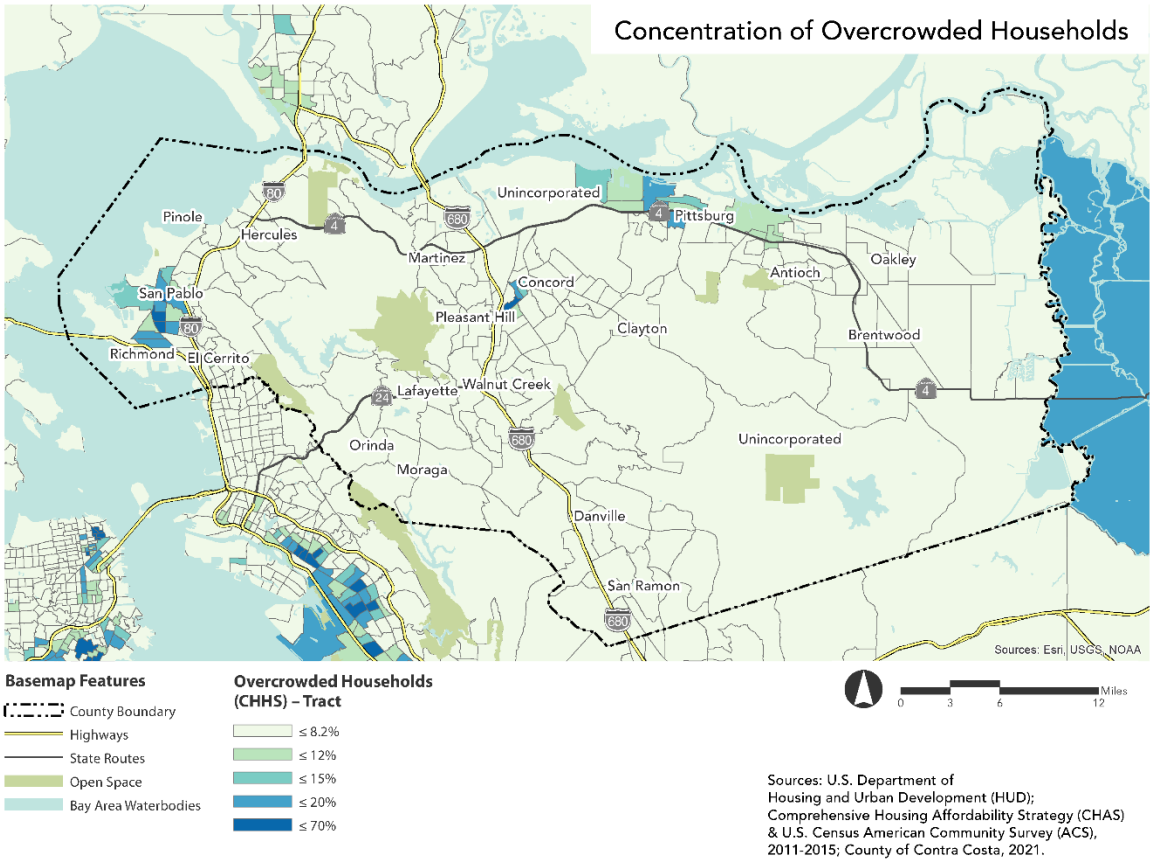
OVERCROWDED HOUSEHOLDS

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~~4~~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

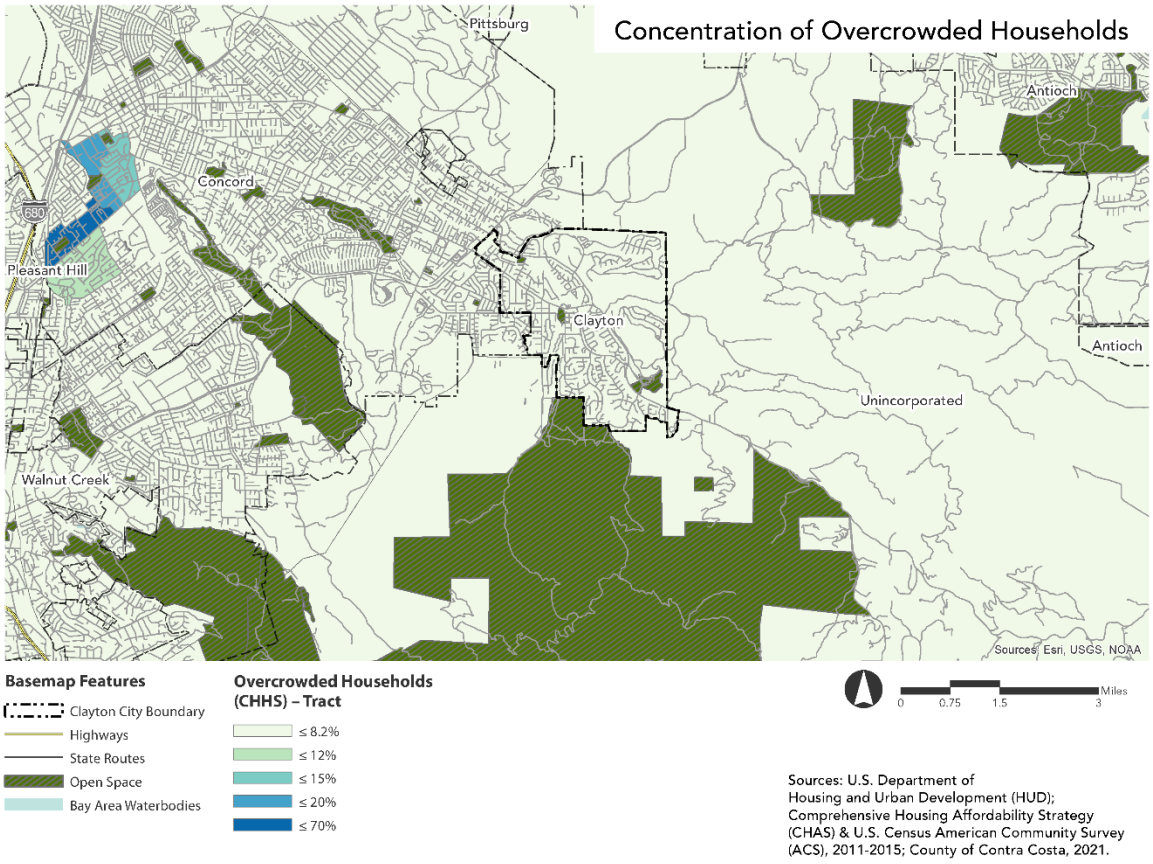
	Contra Costa County		Clayton	
	Overcrowded (>1.0 persons per room)	Severely Overcrowded (>1.5 persons per room)	Overcrowded (>1.0 persons per room)	Severely Overcrowded (>1.5 persons per room)
Owner-Occupied	1.1%	0.2%	1%	0%
Renter-Occupied	6.9%	2.5%	0%	0%
All HH	2.6%	0.8%	1%	0%

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~~7~~).

Table 7-15~~6~~7: 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

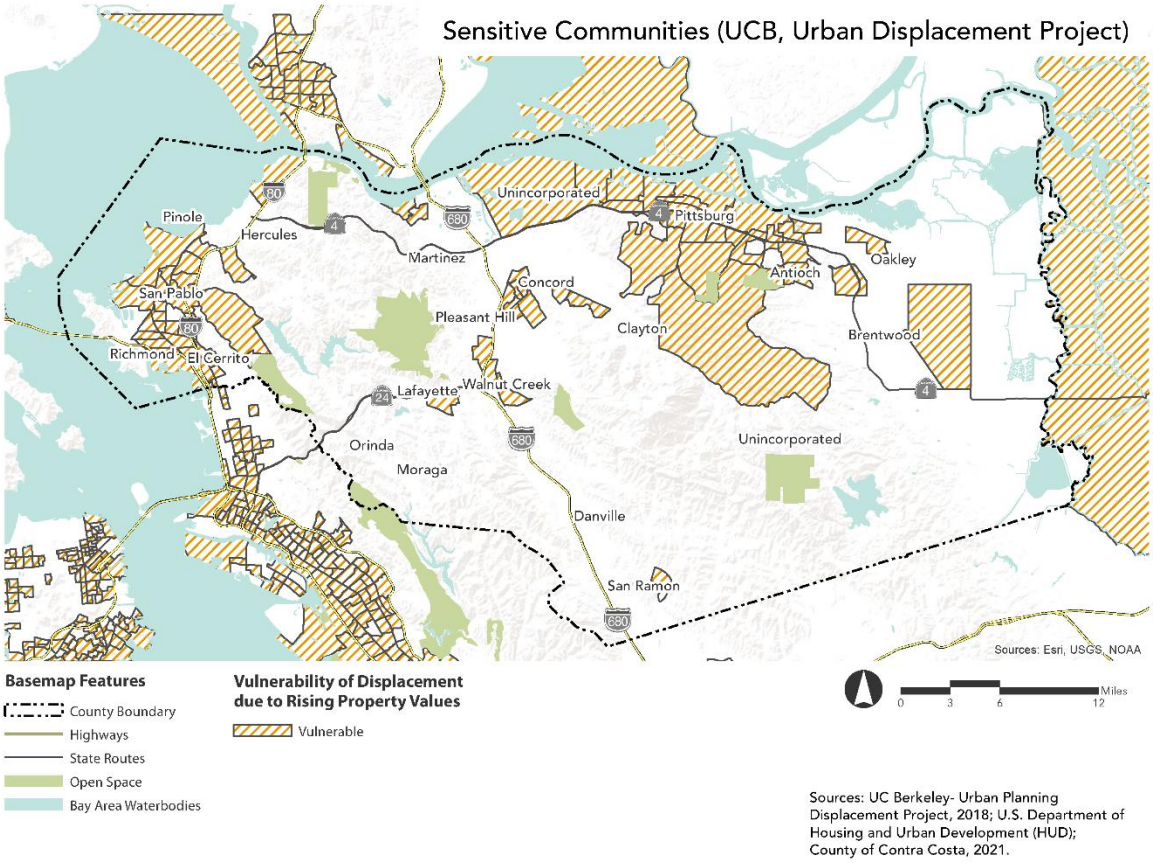
DISPLACEMENT RISK

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).

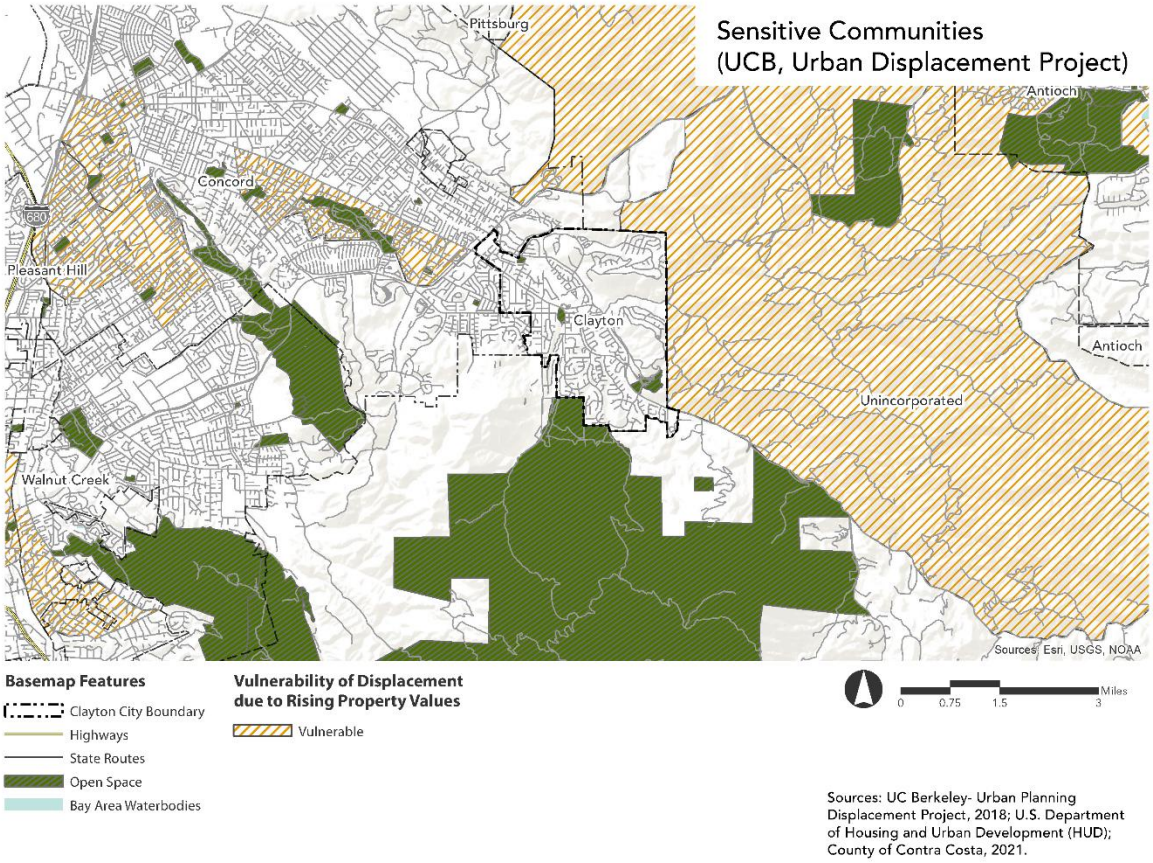
Figure 7-39: Regional Sensitive Communities at Risk of Displacement by Tract (2021)



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

Table 7-~~17~~18: AFFH Meaningful Actions Matrix

HE programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	2021-2029 Metrics
	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	Annually	Citywide	The database will be developed and the expediated process and priority policy will be in place by the end of 2024. The

Table 7-~~17~~18: AFFH Meaningful Actions Matrix

HE programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	2021-2029 Metrics
	the use of density bonus provisions, alert developers when opportunities are available, and adopt a policy to provide priority water and sewer services to new low-income housing developments.			City will proactively reach out to at least 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.

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Clayton Housing Element:
Summary of Stakeholder Interviews

September 23, 2021

MIG staff met with eight Council Members and Commissioners at the beginning of the Housing Element process to identify key issues, challenges, opportunities and potential strategies. The following summarizes the key findings from the conversations.

Input is summarized in aggregate without attribution to any individual.

1. *What are Clayton's key issues related to housing?*
    - Clayton is largely built out
    - Identifying areas suitable to high density housing will be challenging
    - Community resistance to new housing (e.g., Olivia project), NIMBY-ism
    - Concerns around traffic and parking
    - Conflicting opinions around equity and diversity.
    - High housing costs
    - Lack of diverse housing options especially for renters, younger folks, teachers, kids who grow up in Clayton
    - Lack of housing supply The State taking away local control
    - Misinformation and lack of awareness regarding housing issues, past projects, etc.
    - Senior housing needs – 18% of population is 65 years and older – empty nesters are looking to downsize, but there are limited options
    - Unrealistic RHNA numbers
    - Sensitive Use Ordinance limits development throughout Clayton
    - Help folks understand State Housing Law and the need for housing
    - Environmentally sensitive development and growth without infringe upon protected open spaces
    - There are conflicting opinions around where to focus new housing. Some participants would like to develop a vibrant downtown, whereas others would like to develop new housing around commercial centers located at the edges of the city

2. *If the RHNA remains at 570 units, what strategies do you think are appropriate for the City to use to plan for these numbers?*
    - Annex Marsh Creek Road/Morgan Creek
    - Build around existing transportation
    - Build consensus

- Encourage ADU's (currently little interest)
- Leverage underutilized lots
- Incremental change and high levels of transparency
- Meet the spirit of the law
- Minimize impact to traffic
- "Minimal compliance" with state law
- Place new housing along major thoroughfares (Clayton Road, Marsh Creek)
- Replace some existing uses with high density uses
- Rezone city-owned property
- Would "doubling capacity" be a feasible solution (e.g., under SB9)?
- Zone for more housing and encourage diverse housing options
- Add setbacks from sensitive areas and zone for units?
- Upzone some areas as appropriate

3. *What solutions or opportunities do you see to increase housing production in the City?*
    - Add new housing throughout City and not just downtown
    - Look at the development fee structure to better understand barriers for developers.
    - Move the urban limit line
    - Potential locations:
        - Easley Ranch – 13-acre parcel, likely up for sale soon
        - ADU's in western areas of Clayton with single-family homes built on large lots
        - Parcel on Oak Drive that used to have a Subway and gym
        - Marsh Creek Road – big lots, no transportation
        - Downtown seems optimal, but people want to preserve its historical nature
        - Oakhurst Drive
        - Silver Creek
        - Presbyterian church
        - Diablo Estates
        - Dana Hills
        - Regency
        - Marsh Creek corridor
        - Clayton Valley Shopping Center
        - Golf course

- There is vacant land flagged for the middle school and zoned for open space.
- A lot downtown, not currently zoned for high density
- A parcel zoned for high density next to the Olivia project
- Presbyterian Church is trying to build 16 units of affordable housing on church property

4. *The City is also undertaking a project to identify a feasible, community-supported vision for the Downtown property. What do you think is the best use of that site?*
    - Mixed-use with ground floor retail
        - See main street in Walnut Creek – Friday night destination, amenities
    - Would need parking to be viable
    - Lot is not currently classified for high density development
    - Amenities and activities for youth
    - Anything other than a park will likely be unpopular
    - Cluster of businesses (e.g., restaurants) that attract patrons and support housing
    - Create destination for folks who live outside of Clayton
    - Address folks concerns through architecture and design
    - Multiple participants noted that there is no attraction that brings people to or through Downtown, so it is hard to sustain activity or businesses there
    - Many people don't want high density downtown, but it's well-suited to it
    - The Town Center Specific Plan is outdated and does not respond to current market issues and trends
    - People will resist multi-story developments
    - Walkable with parking

5. *Are there housing projects, types or models (in Clayton or elsewhere) that you think would fit well in the City?*
    - CVS design fits western look and feel
    - Diamond terrace
    - Olivia project doesn't look western enough; doesn't fit
    - Santana Row (mix of uses, not scale or density)
    - Seeno property (out of town) near Diablo Meadows fits western look and feel
6. *What areas of the City (corridors, sites, neighborhoods) are most appropriate for new housing?*

- Area near Clayton Valley Pumpkin Farm
- Easley Estate
- Restricted areas – can we rezone?
- There are 40 acres of open space, but only 8.5 acres are usable under the Sensitive Use Ordinance

7. *What are the best community outreach tools and methods to use to engage a wide range of Clayton residents? Who (groups, individuals, etc.) should we be sure to talk to?*
    - City Council Members can help share information
    - Clayton Business and Community Association
    - Clayton Engage
    - Creative methods such as virtual board game like monopoly
        - Shows folks there are no obvious solutions
    - Direct mailings to reach older residents
    - Jeff Wan's blog
    - Leverage City Council meetings
        - Upcoming work session – The community should be invited if we're getting into the weeds and discussing the need for a Housing Element Update
    - Leverage ongoing discussions around social justice and environmental issues
    - Safe Clayton
    - Social Media: Facebook groups, Instagram, Twitter
        - Advertise using Facebook and Instagram (targeted ads)
        - Post short videos (30 – 60 seconds)
        - Many residents do not use social media. Social media will not reach everyone.
        - Stream activities using Facebook Live
    - Target specific neighborhoods (e.g., Regency, Oakhurst, Dana Hills, Clayton Greens) and conduct outreach to neighborhood leaders
    - The Pioneer (Tamara Steiner is the publisher)
    - Town Hall -style meetings

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.

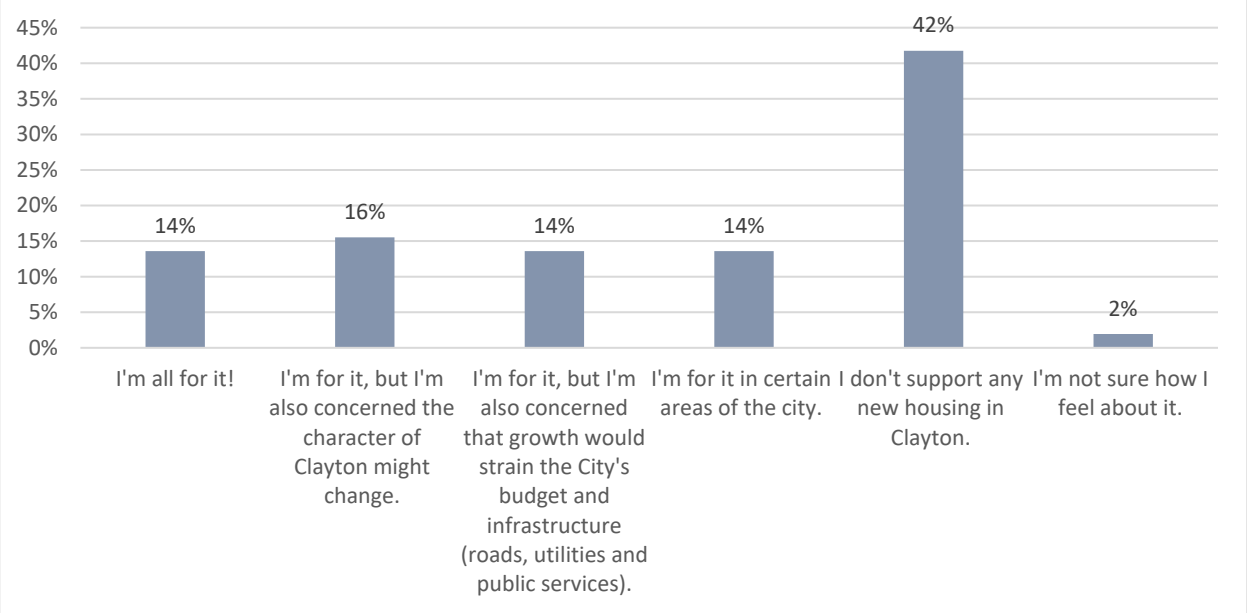
- When asked to rank the importance of housing issues and challenges in the City, respondents listed traffic and congestion (69%), preserving community character (67%), limited infrastructure (65%), and overcrowding (64%) as the top issues with a 10 out of 10 ranking.
- A lack of diverse housing options (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

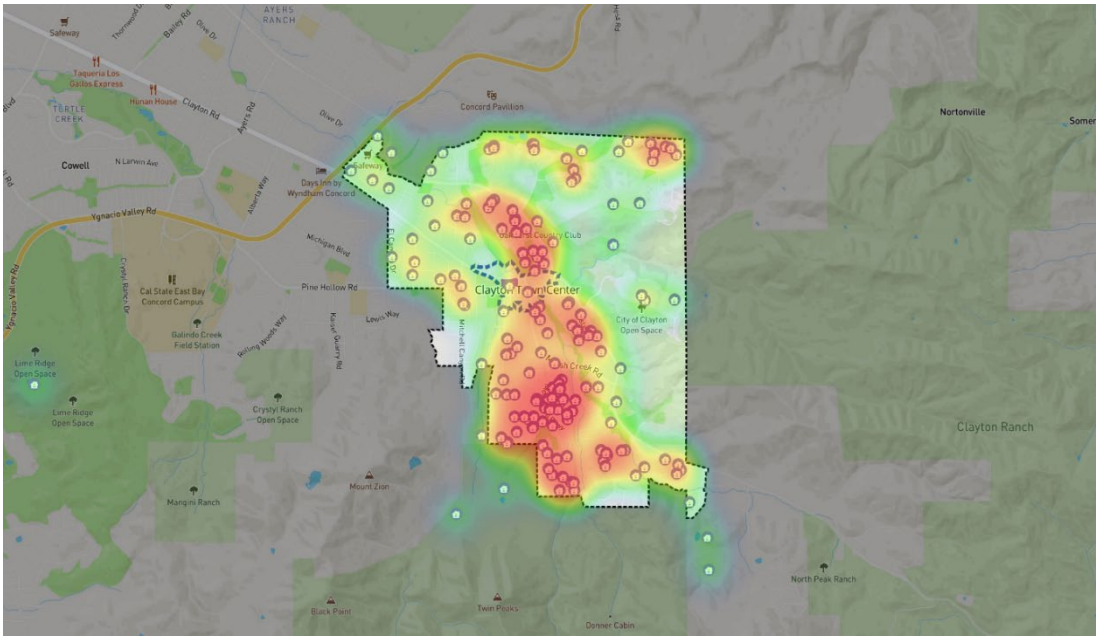
When asked about new housing growth over half (58%) of respondents said they were in favor of the potential growth increase in housing units in Clayton, while 42% indicated they did not want to see any new housing. Many of those supporting growth indicated concerns, including impacts to community character 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

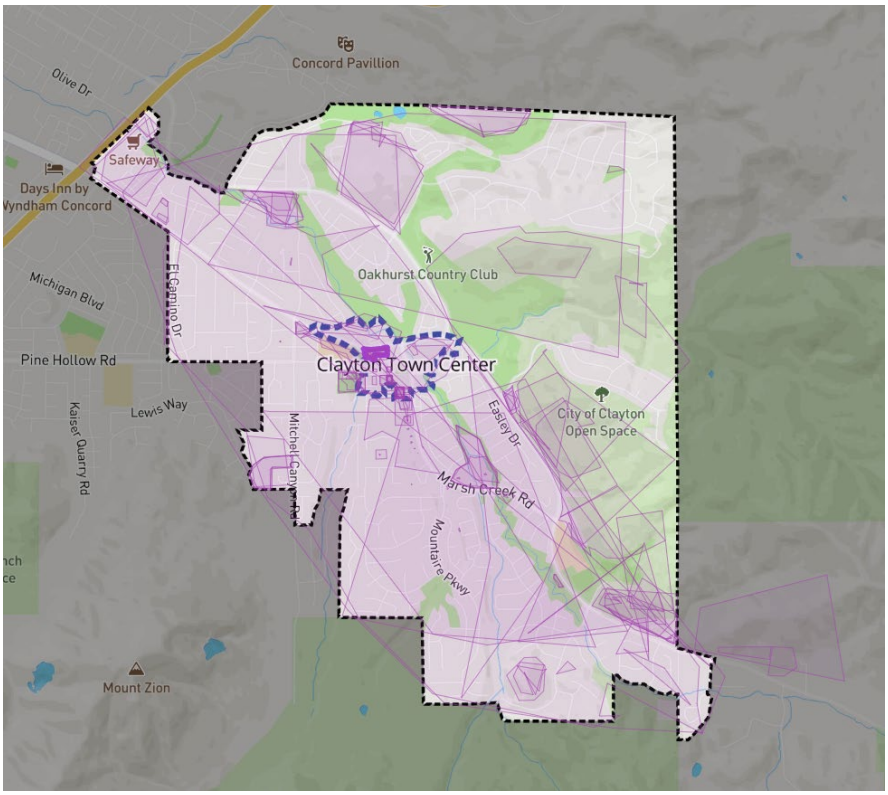
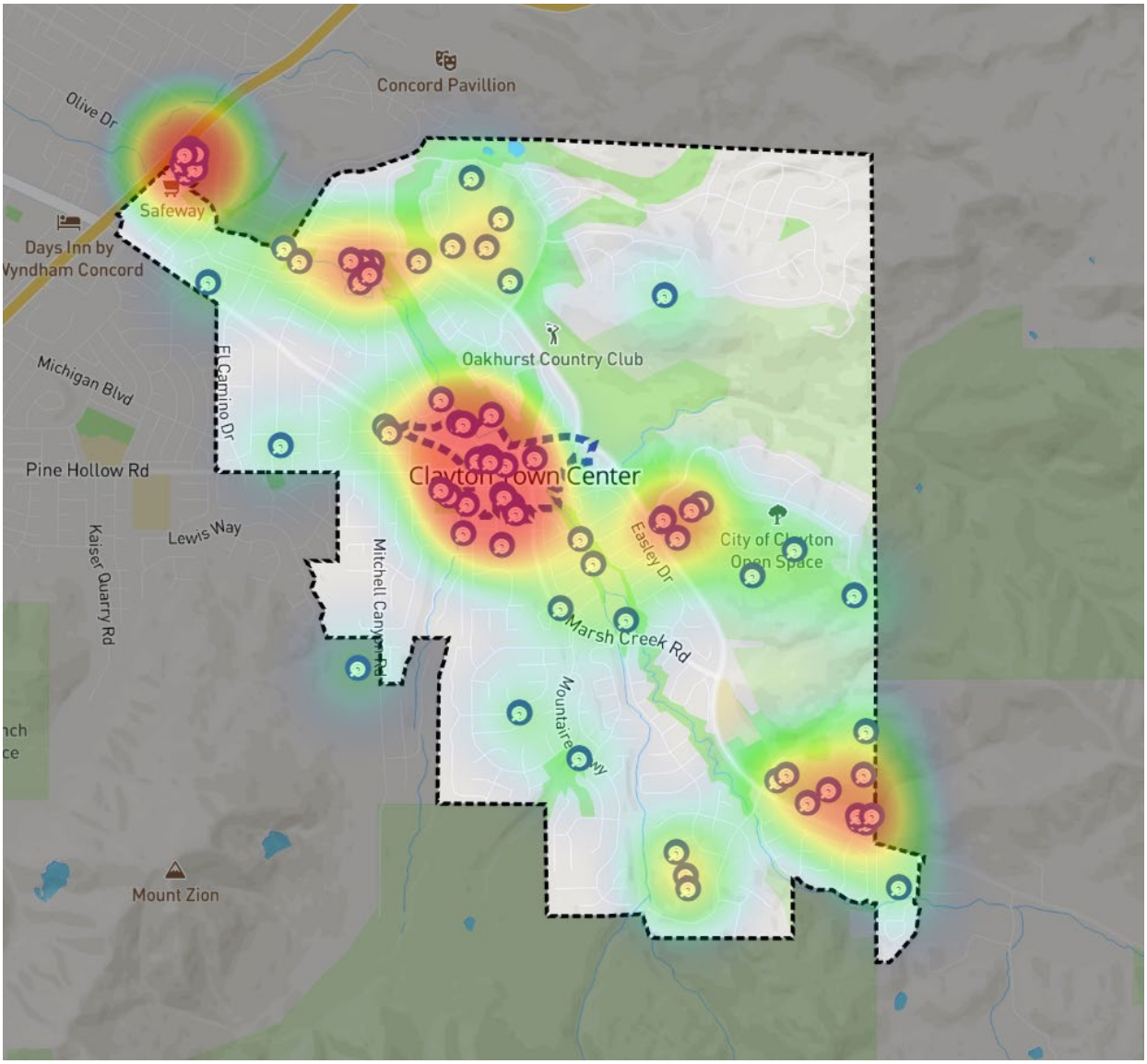


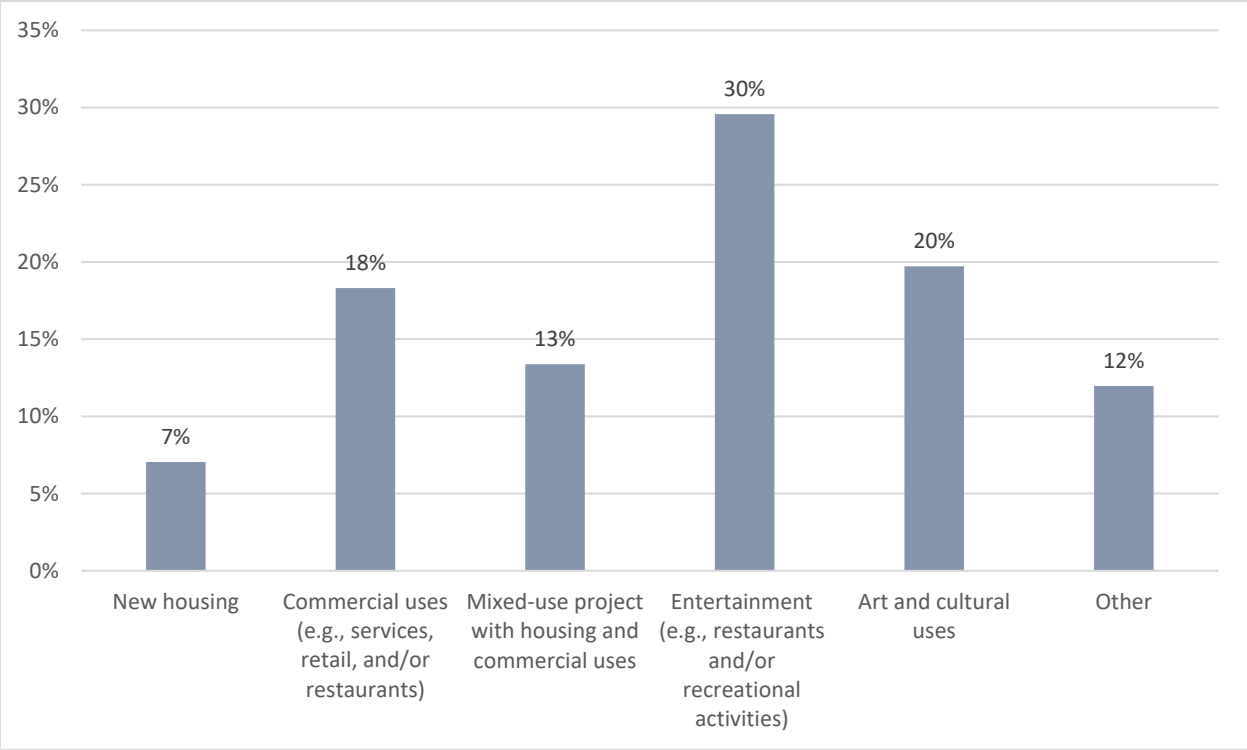
Figure 4: Sites for New Housing



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

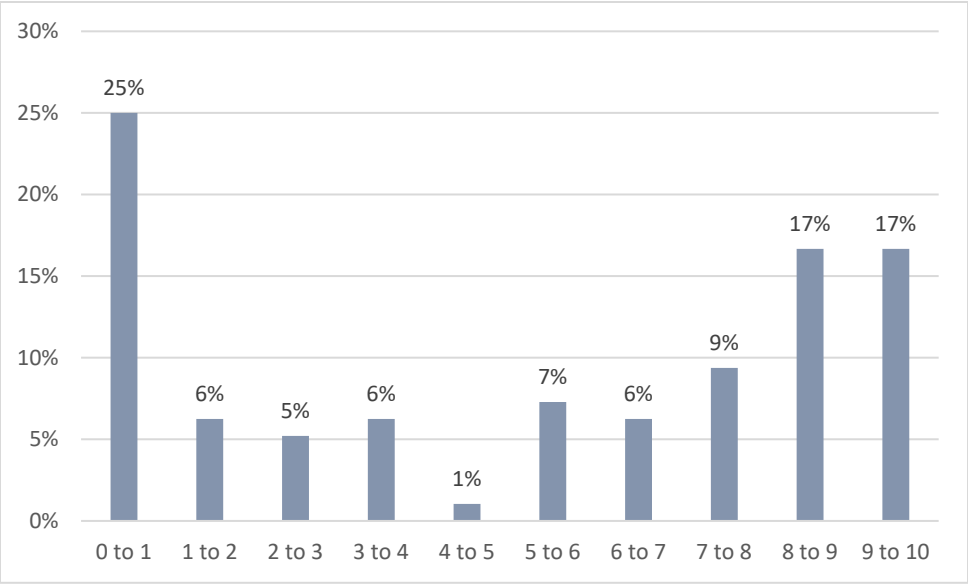


Figure 7: Support for New Townhomes

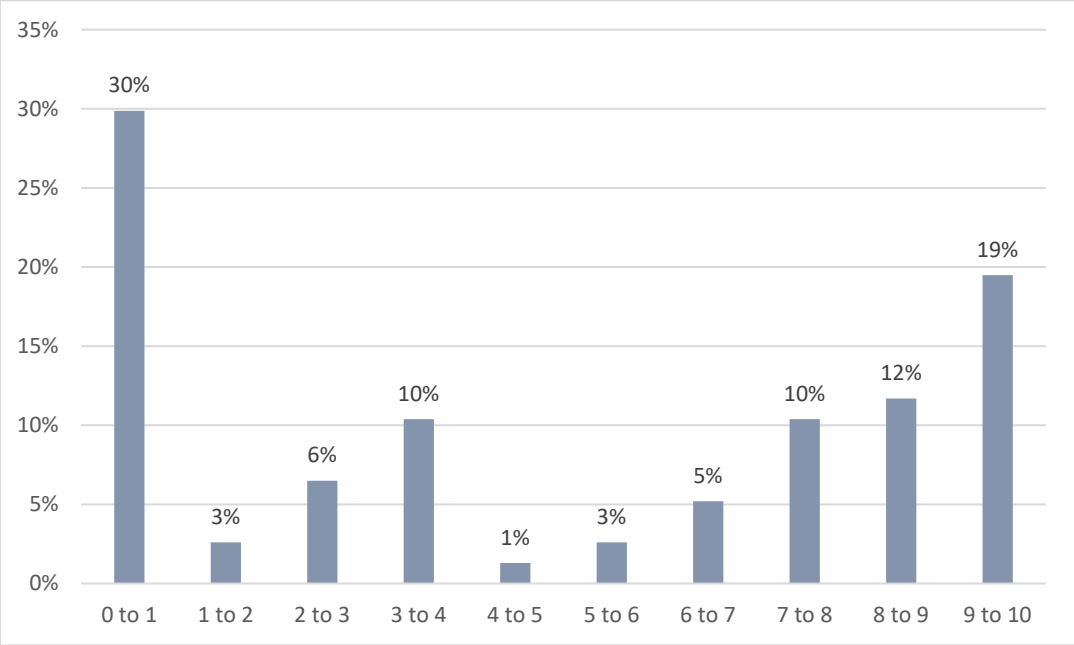


Figure 8 Support for New Apartments or Condominiums

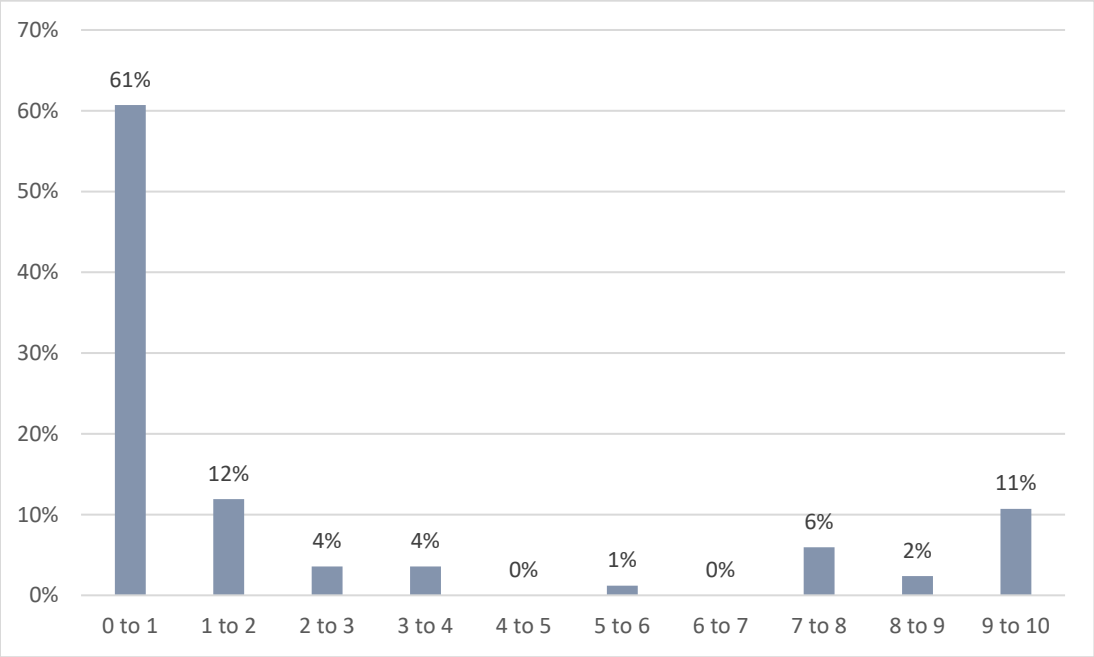


Figure 9: Support for Mixed-Use Housing with Retail

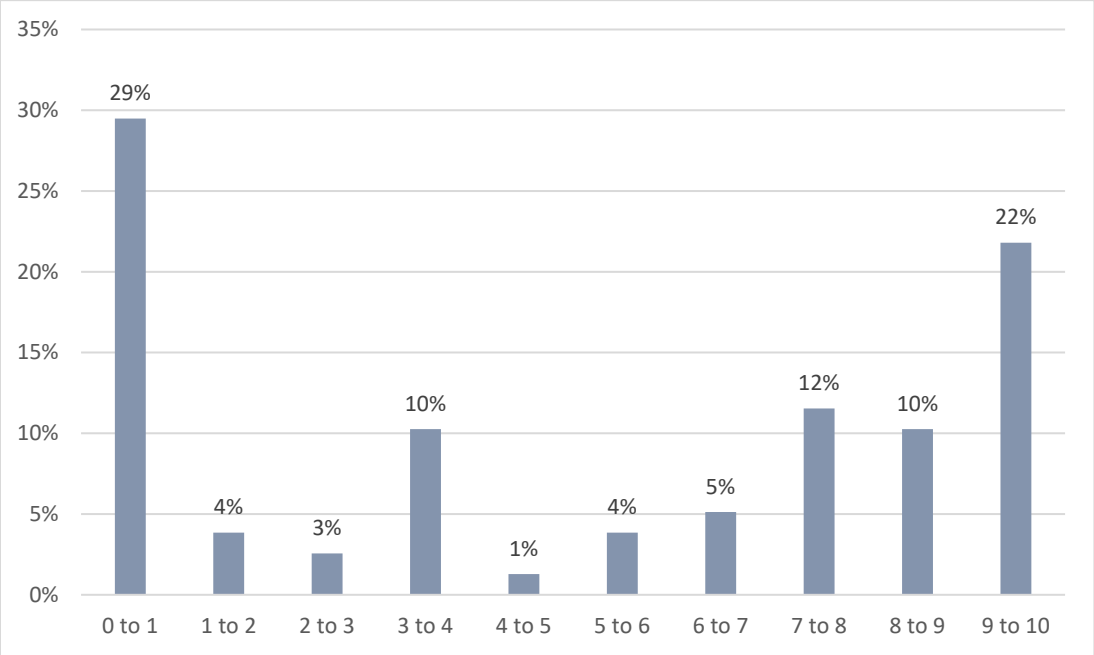


Figure 10: Support for Mixed-use Housing with Dining

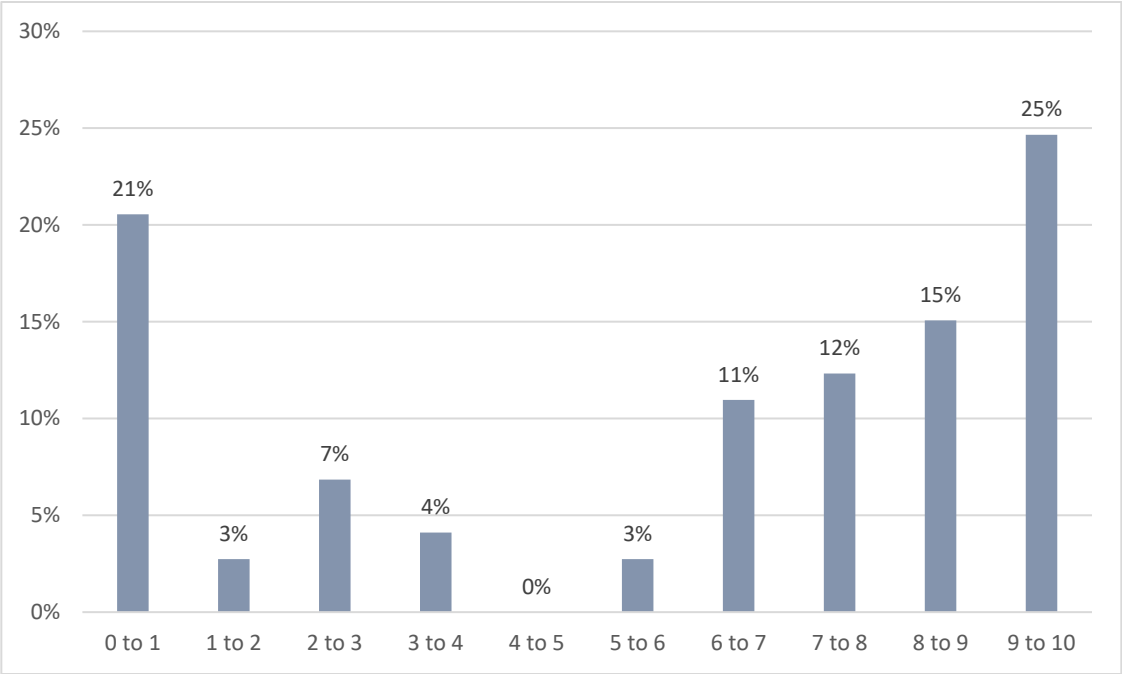


Figure 11: Support for New Retail

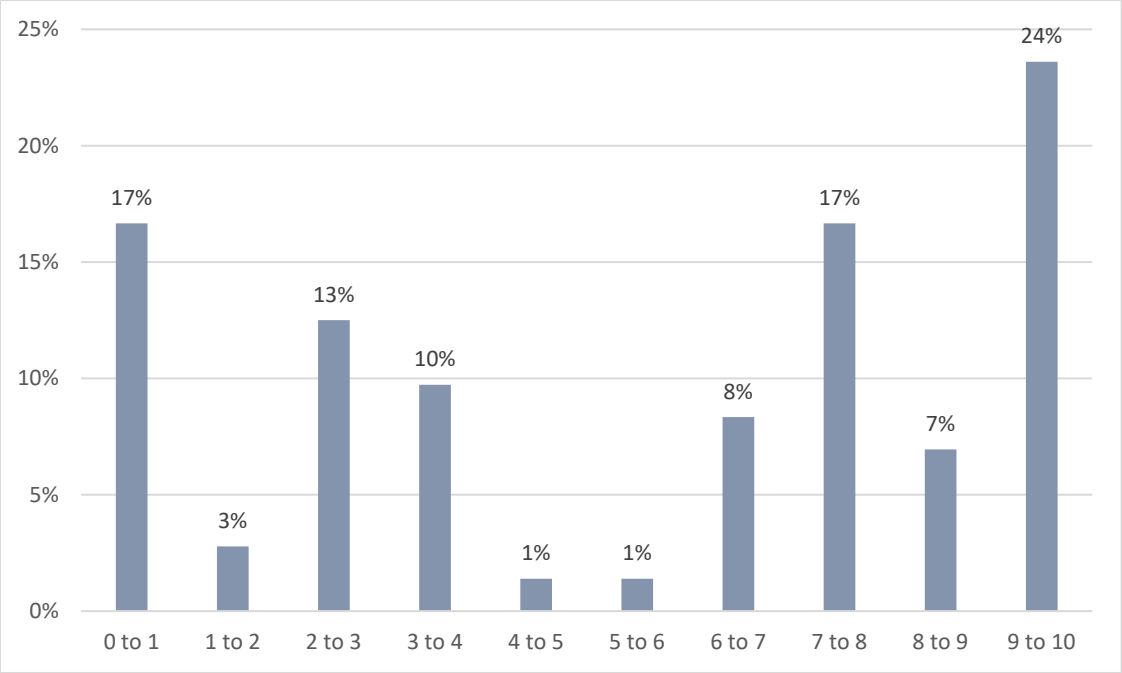


Figure 12: Support for new Commercial (Office) Spaces

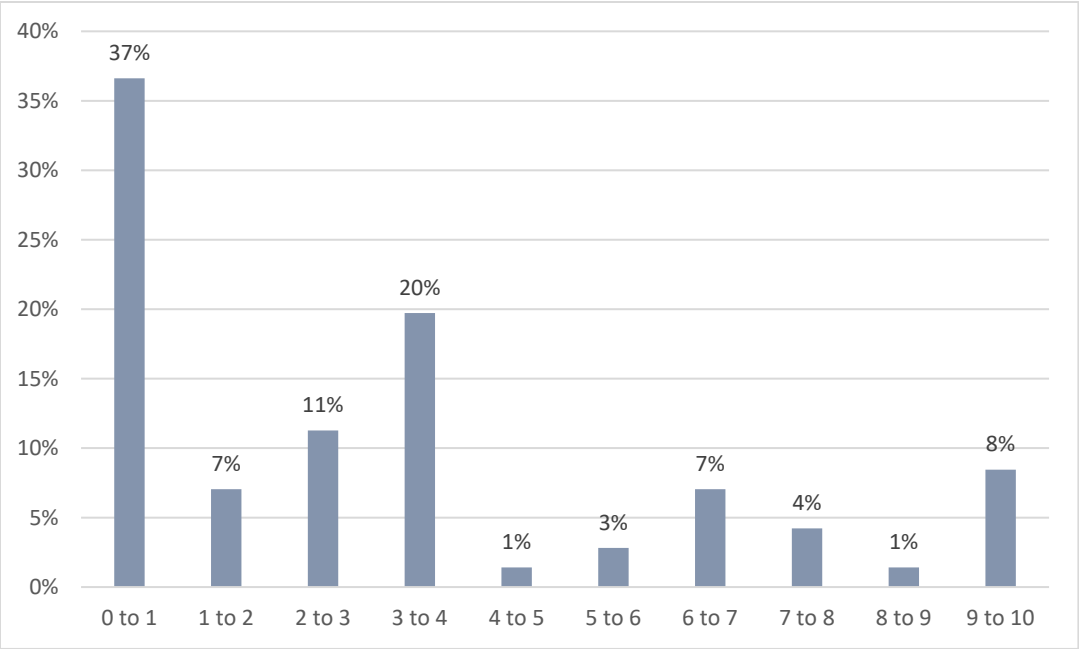


Figure 13: Support for New Grocery Store

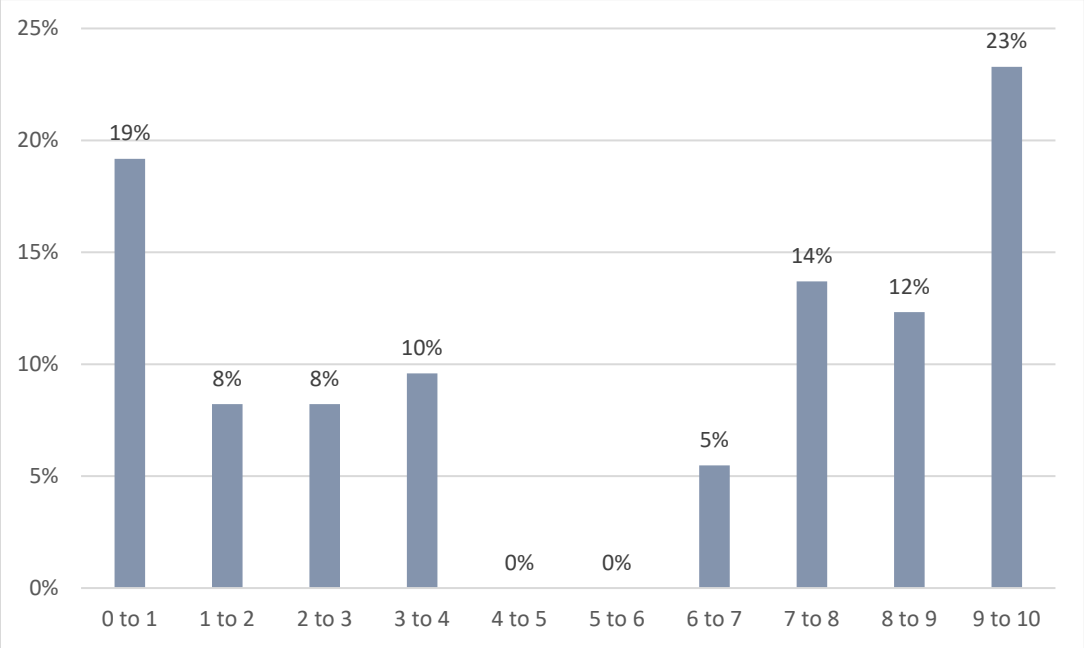
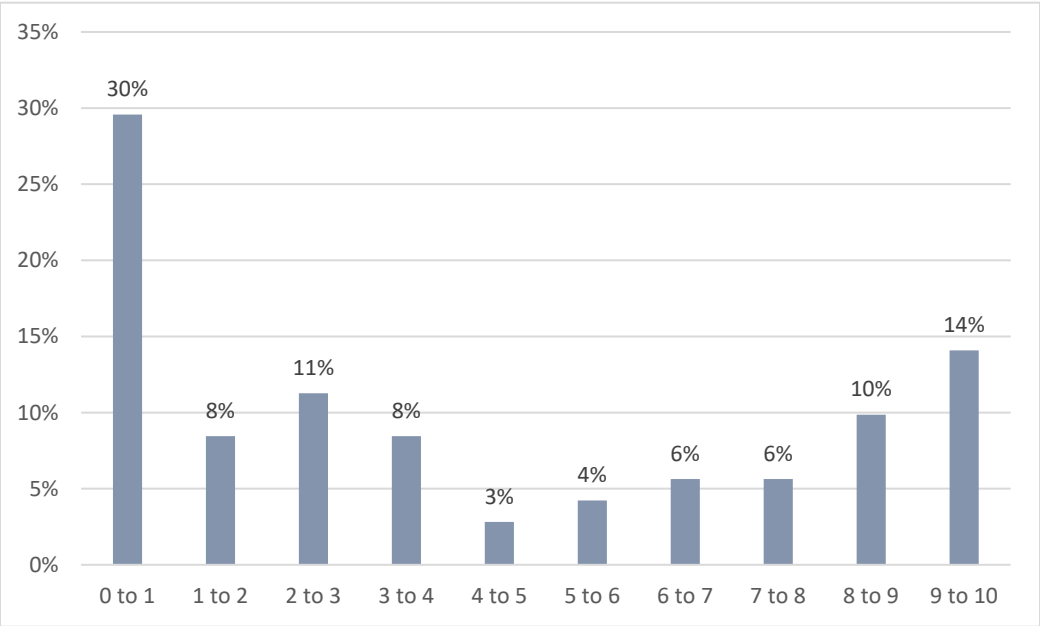


Figure 14: Support for New Entertainment/Arts Center



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

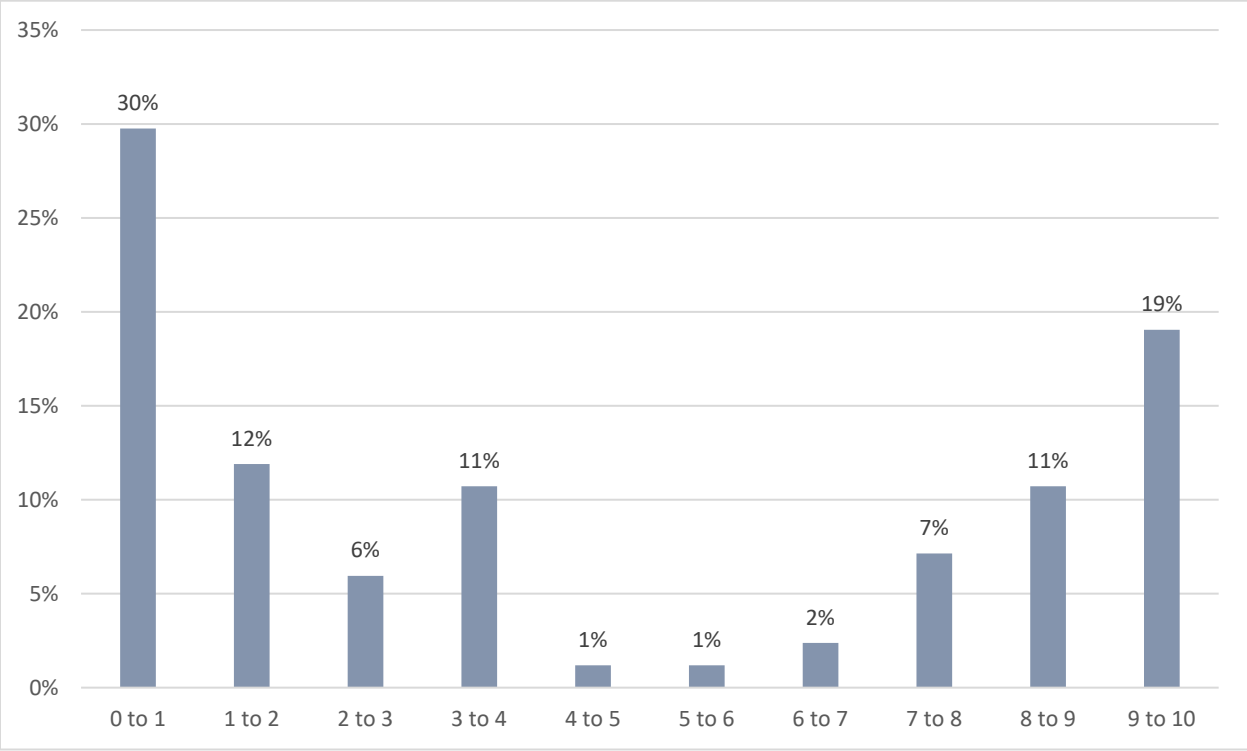


Figure 16: Housing Affordability

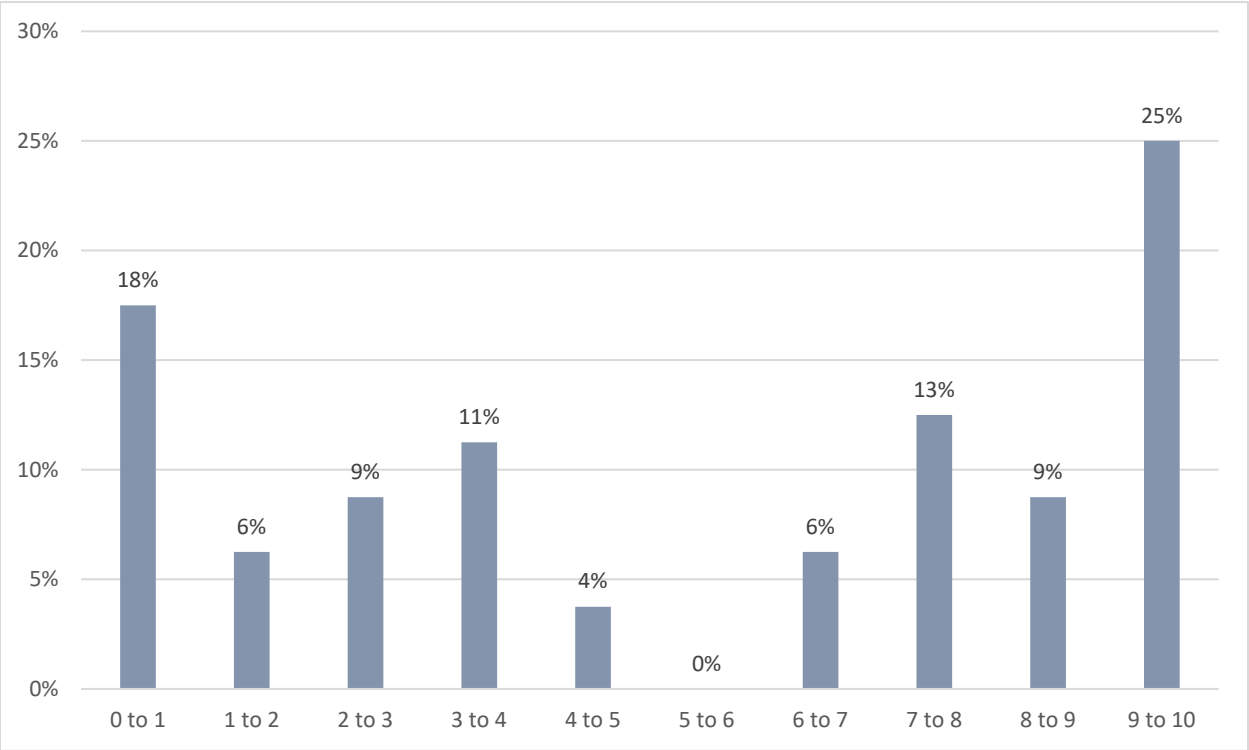


Figure 17: Overcrowding

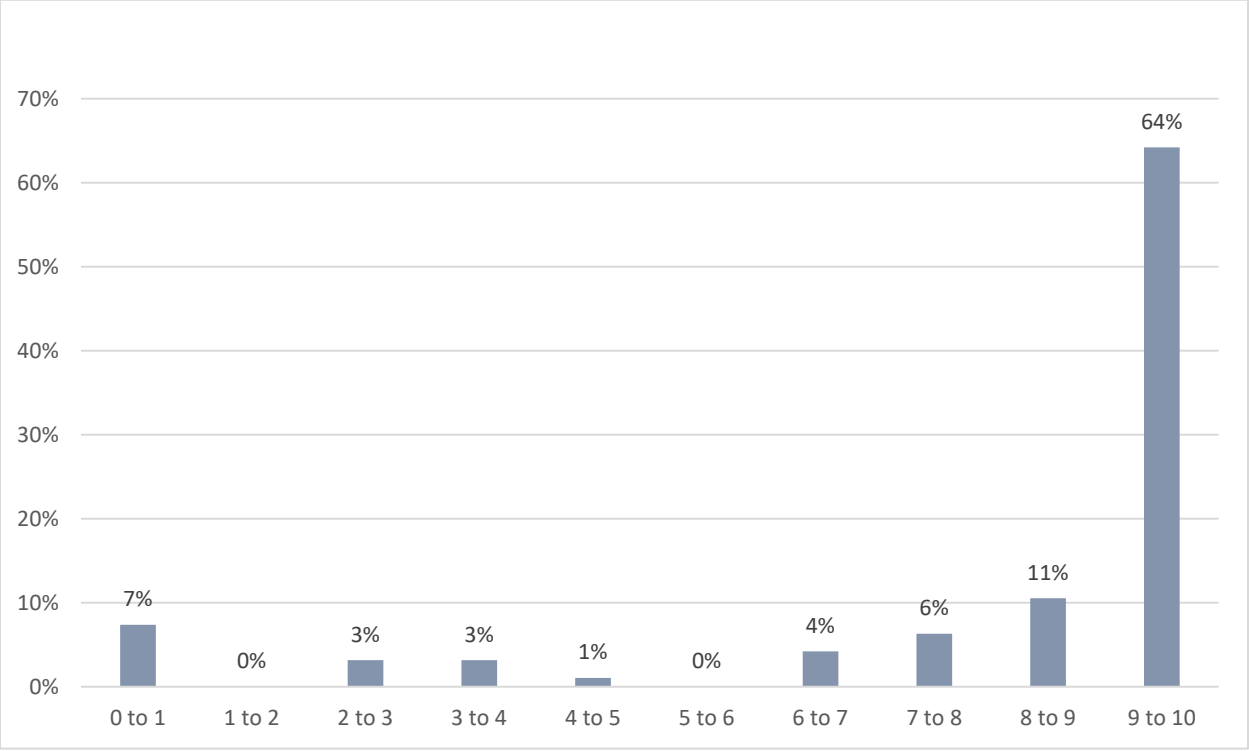


Figure 18: A Lack of Diverse Housing Options

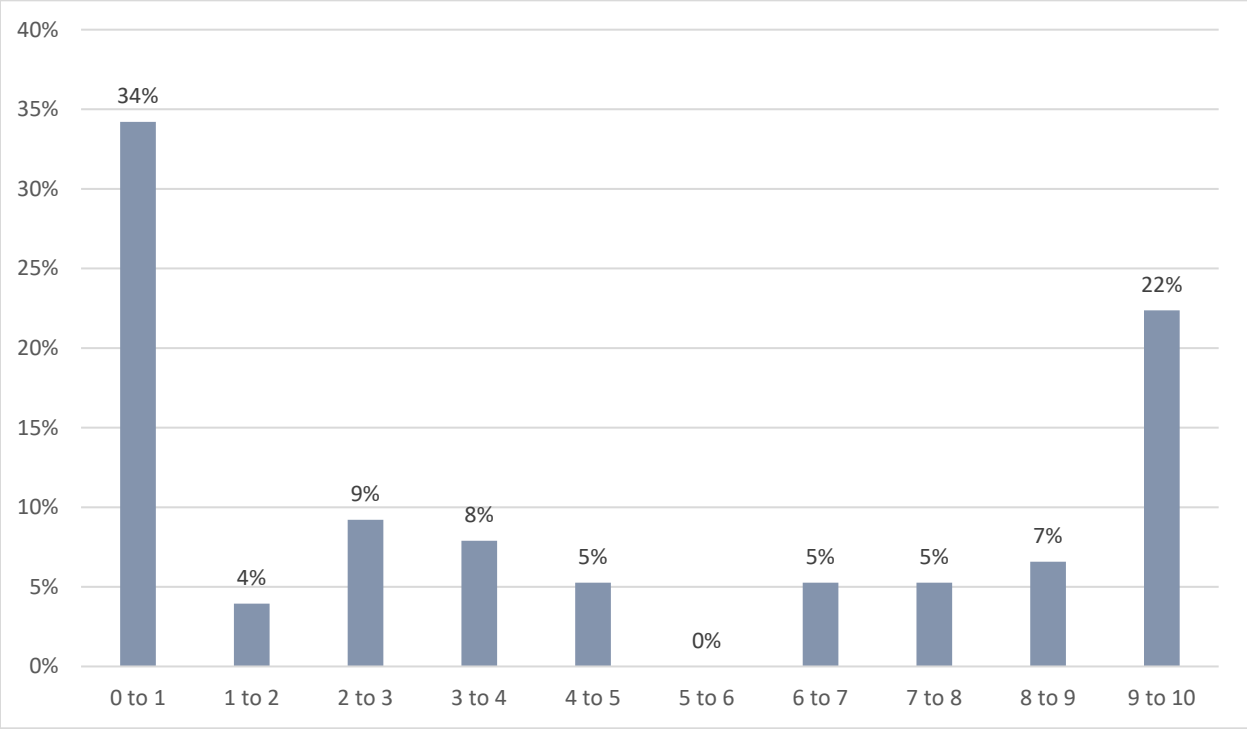


Figure 19: Fair Housing Issues (e.g., discrimination, inadequate accommodations for people with disabilities, etc.)

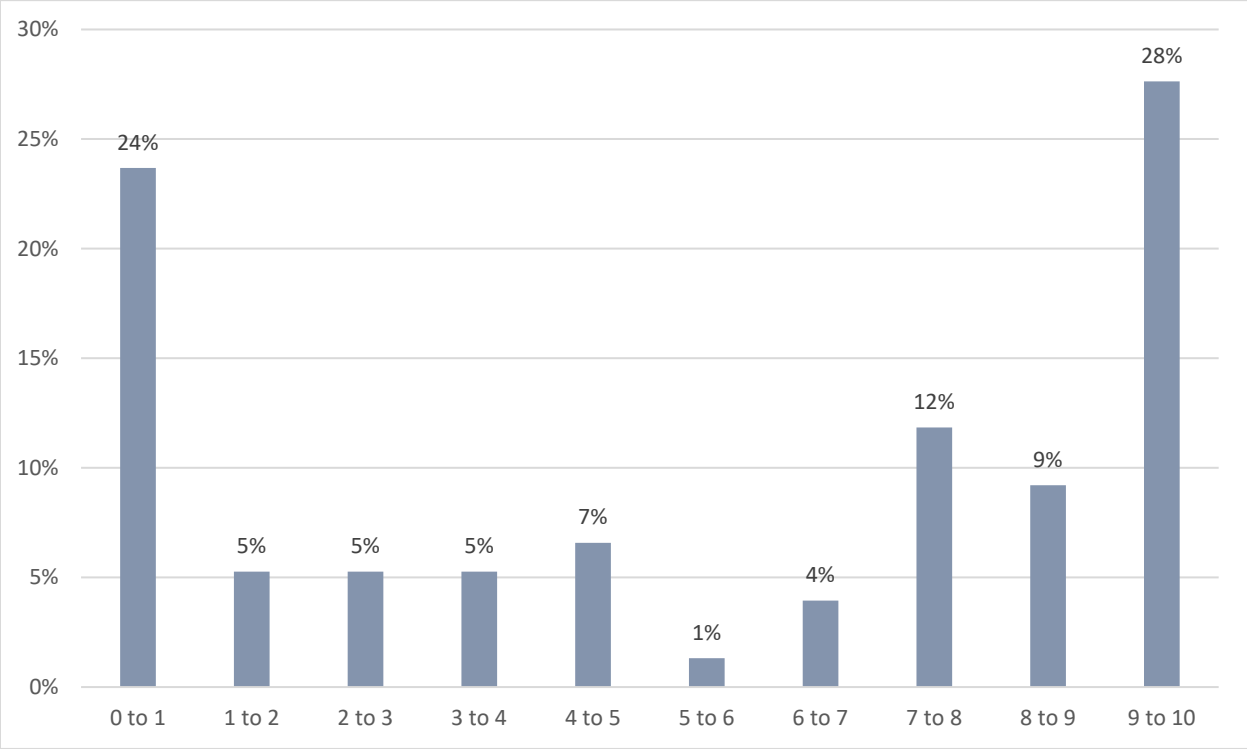


Figure 20: Limited Infrastructure (water, sewer)

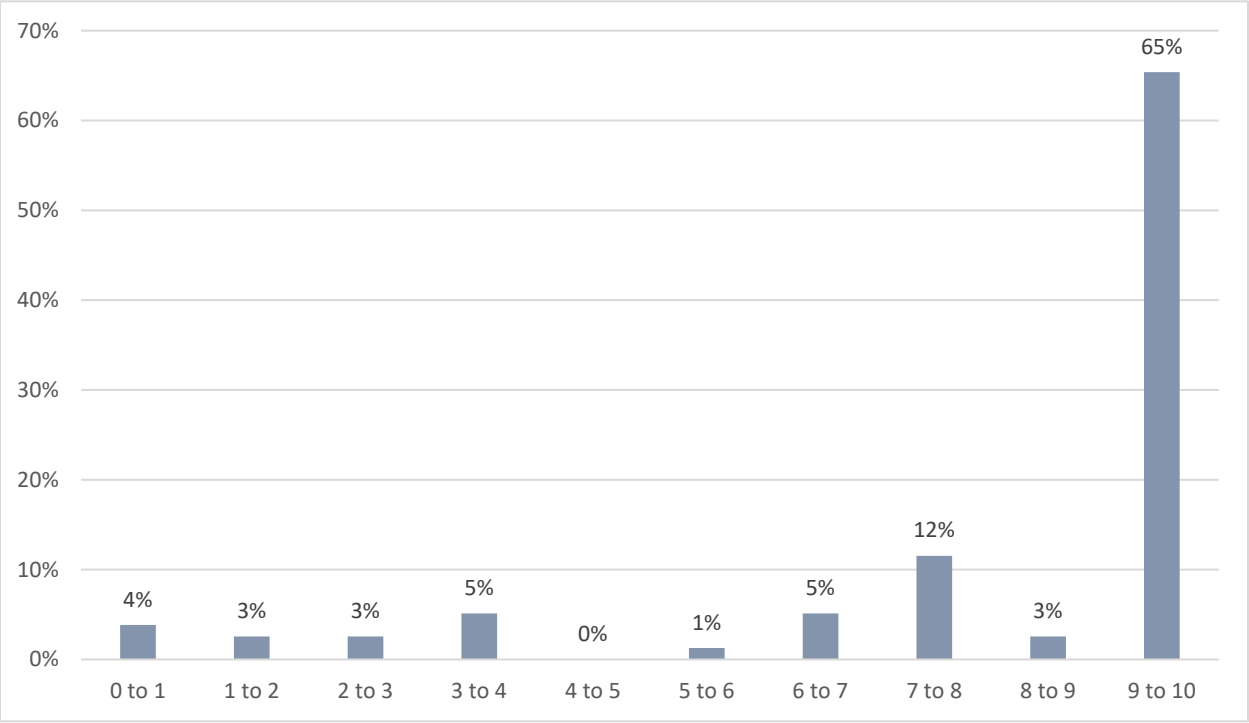


Figure 21: Wildfire Risk

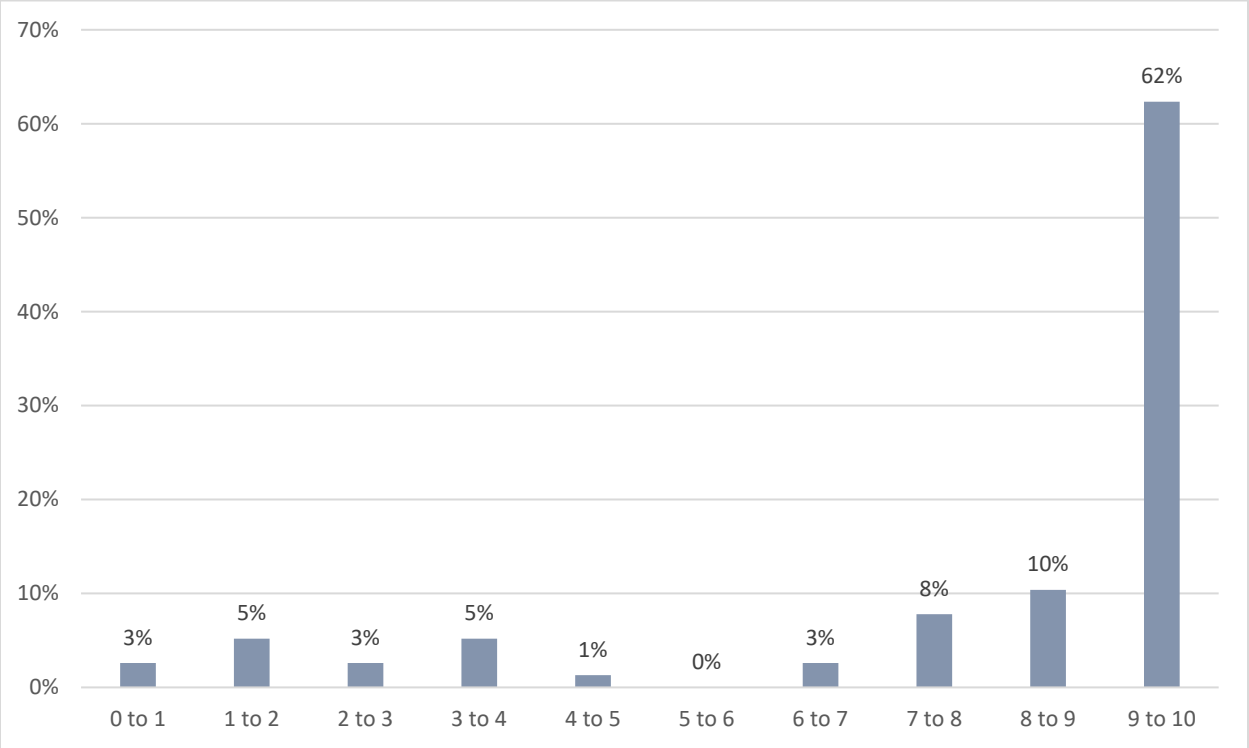


Figure 22: Traffic and Congestion

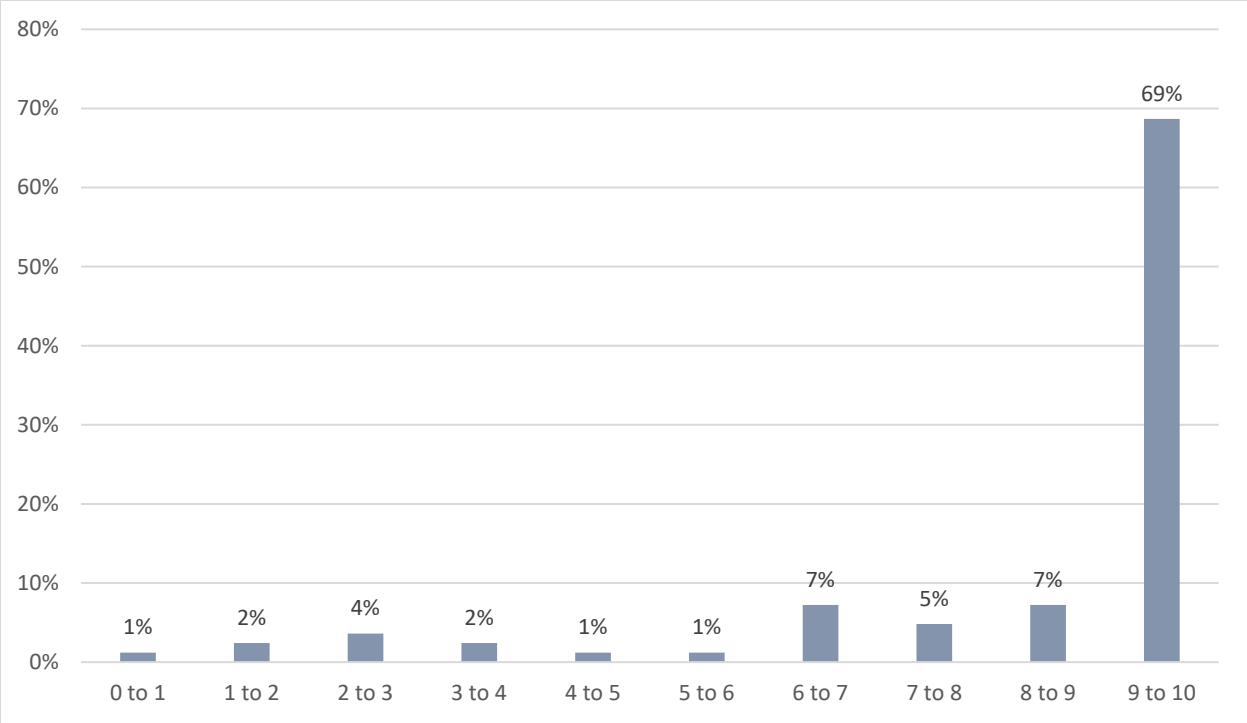


Figure 23: Protecting Environmentally Sensitive Areas

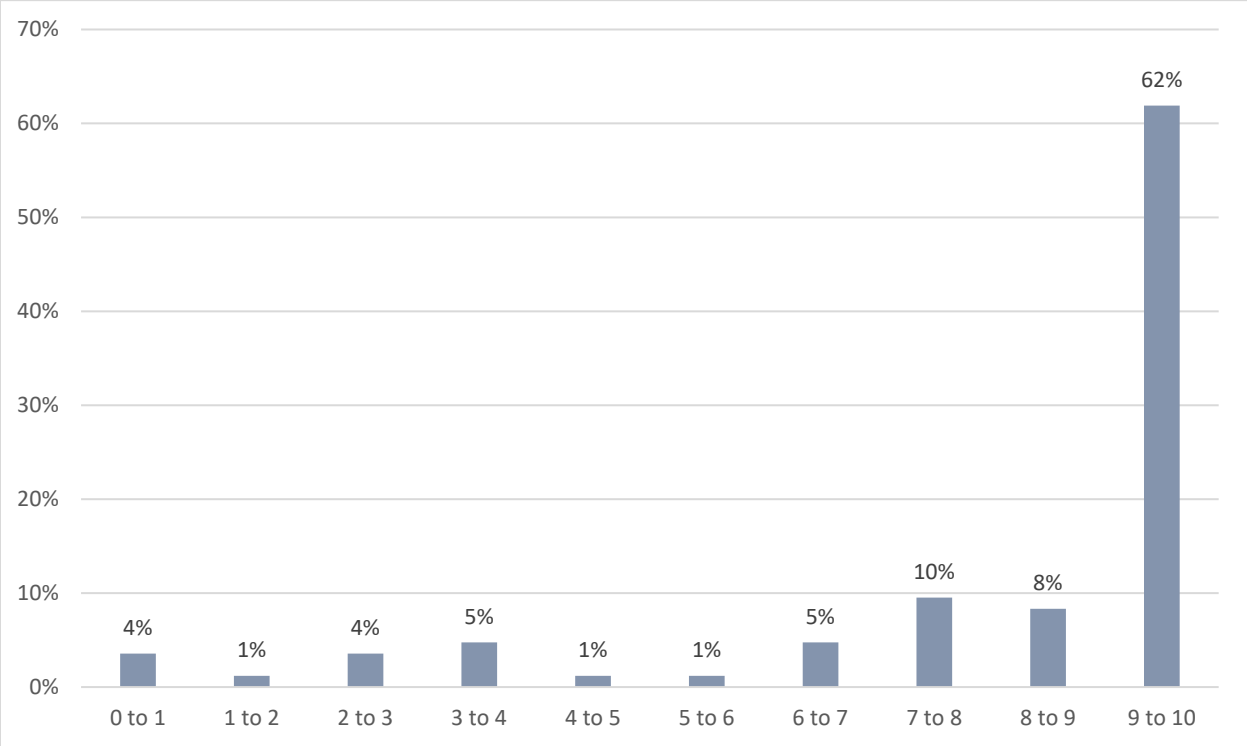
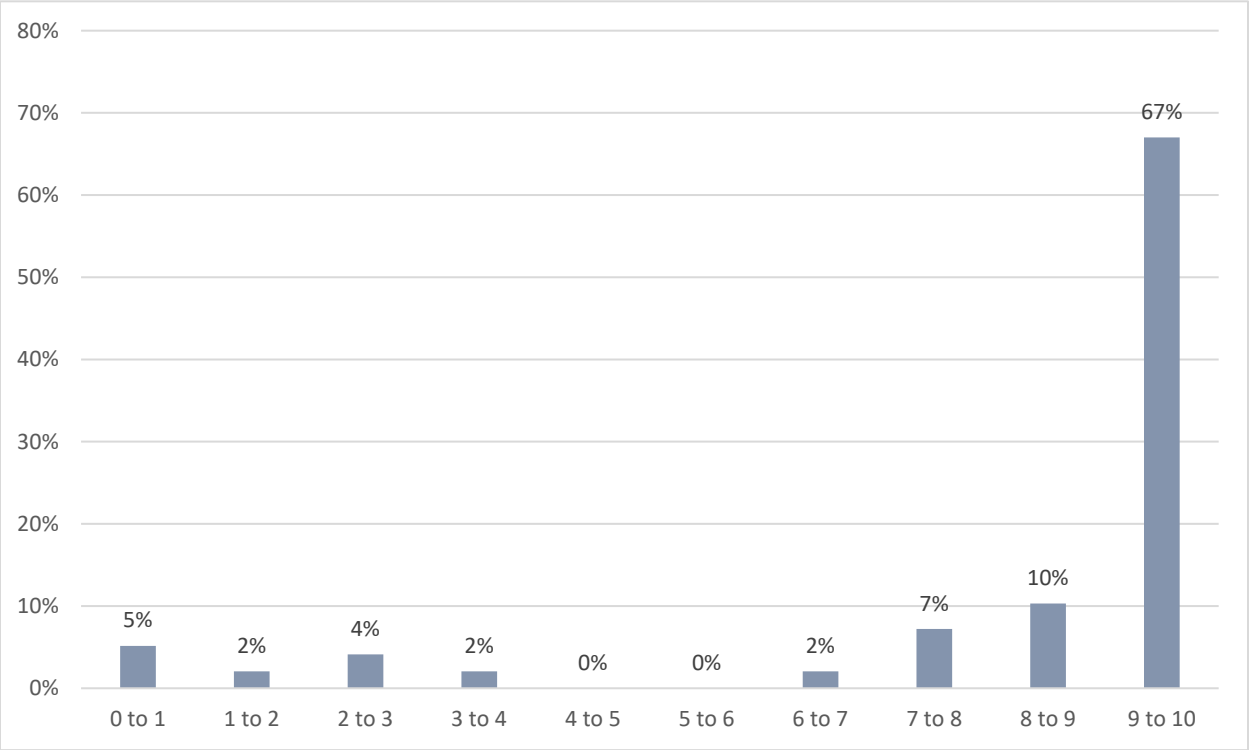


Figure 24: Preserving Community Character



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

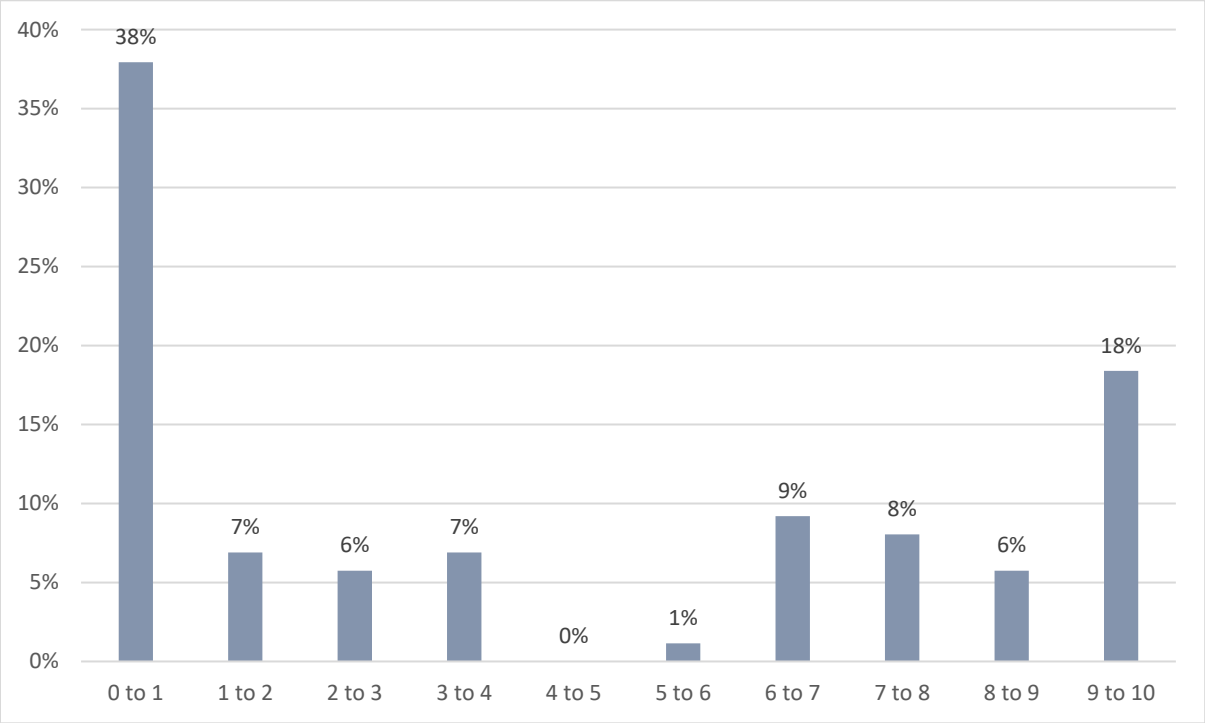


Figure 26: Ensure that children who grow up in Clayton can afford to live in Clayton on their own

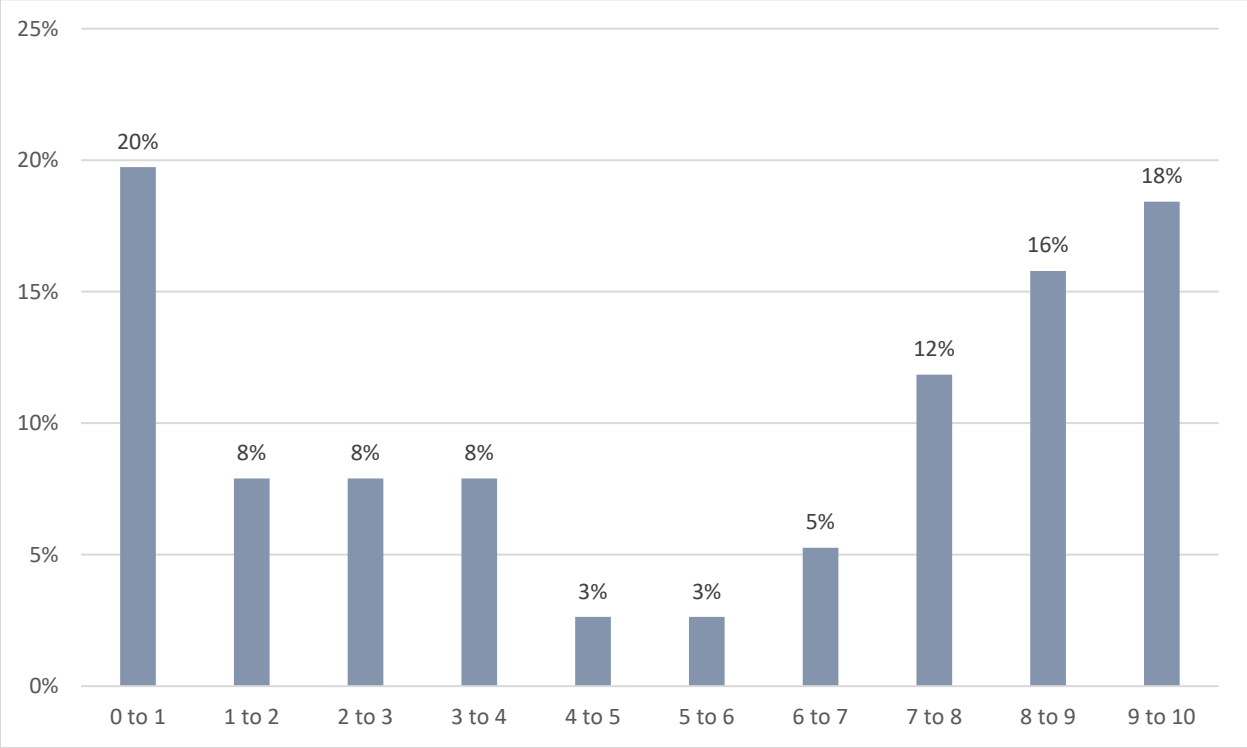


Figure 27: Provide opportunities for people who work in Clayton to live in Clayton

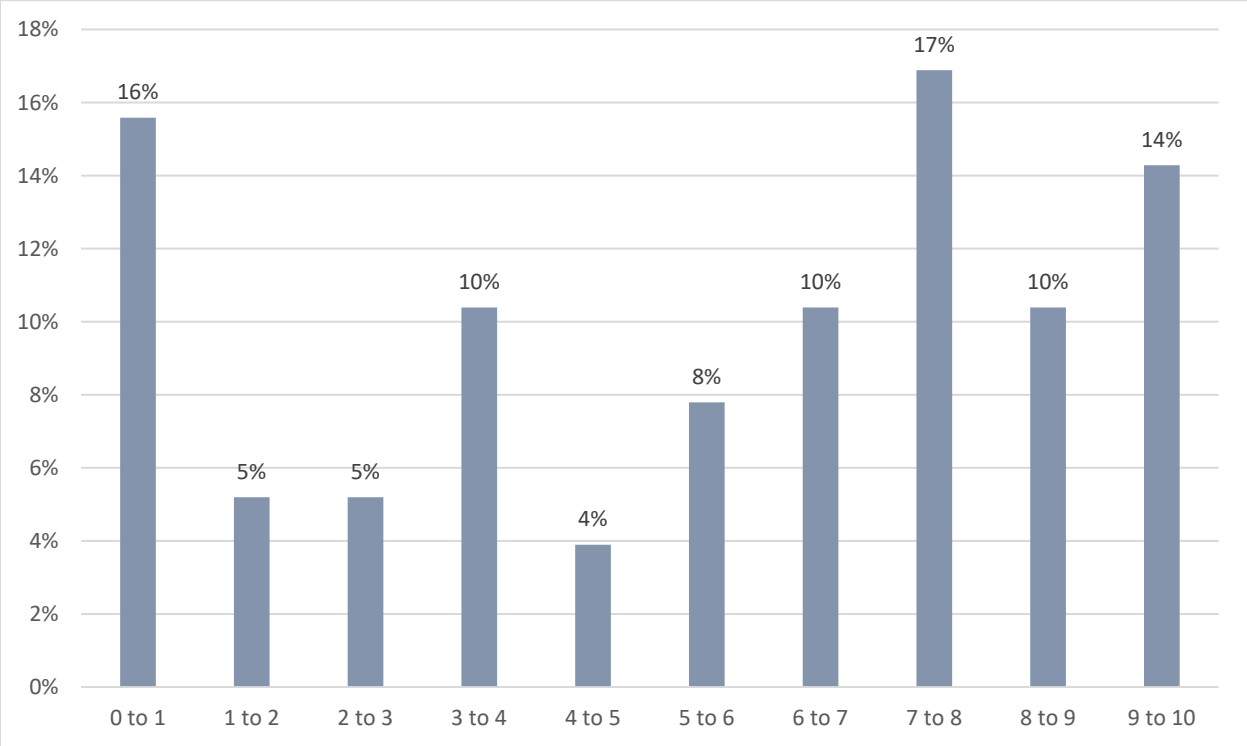


Figure 28: Provide more options for older residents to downsize and stay in the community

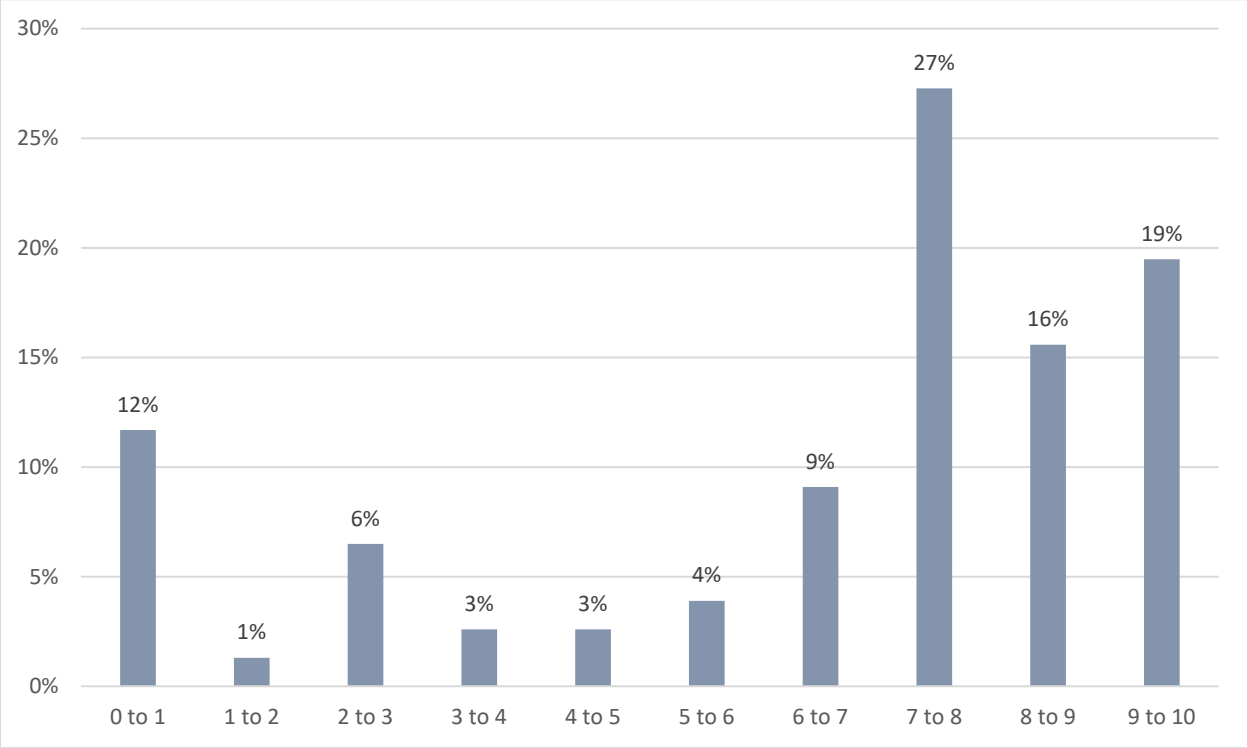


Figure 29: Support local businesses by concentrating new housing and residents around commercial

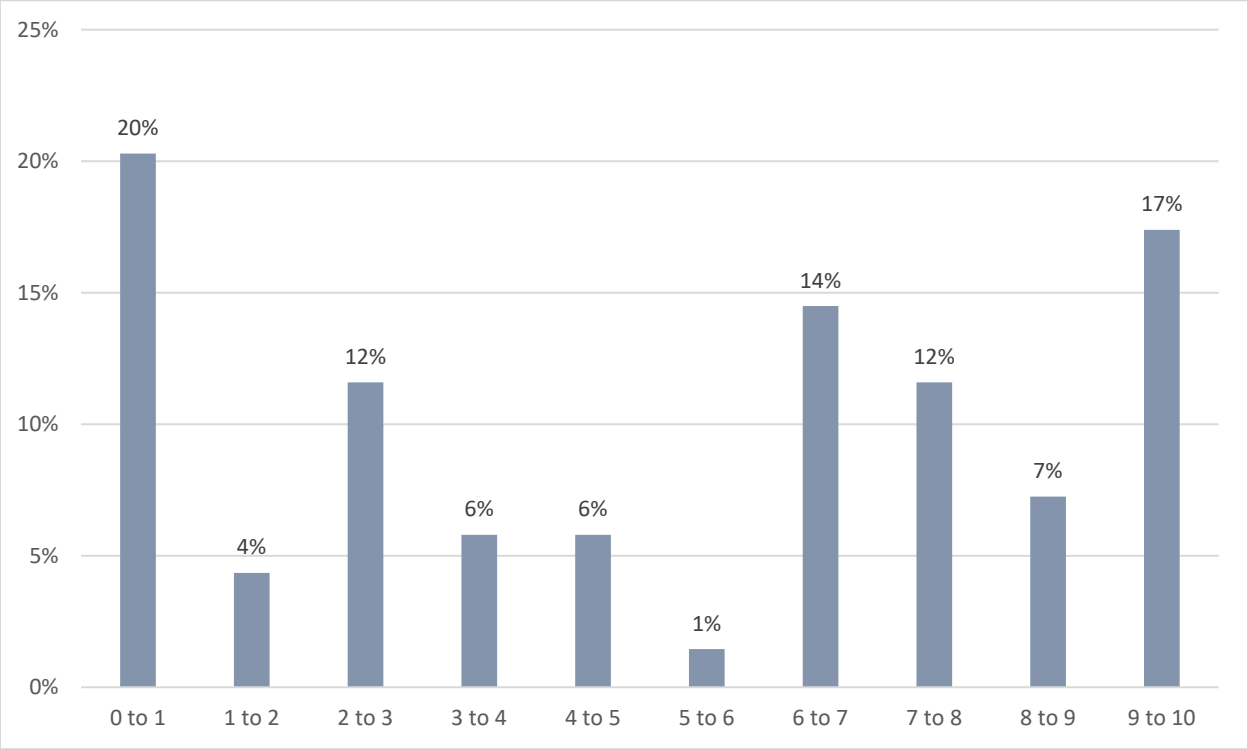


Figure 30: Streamline the process for new housing construction

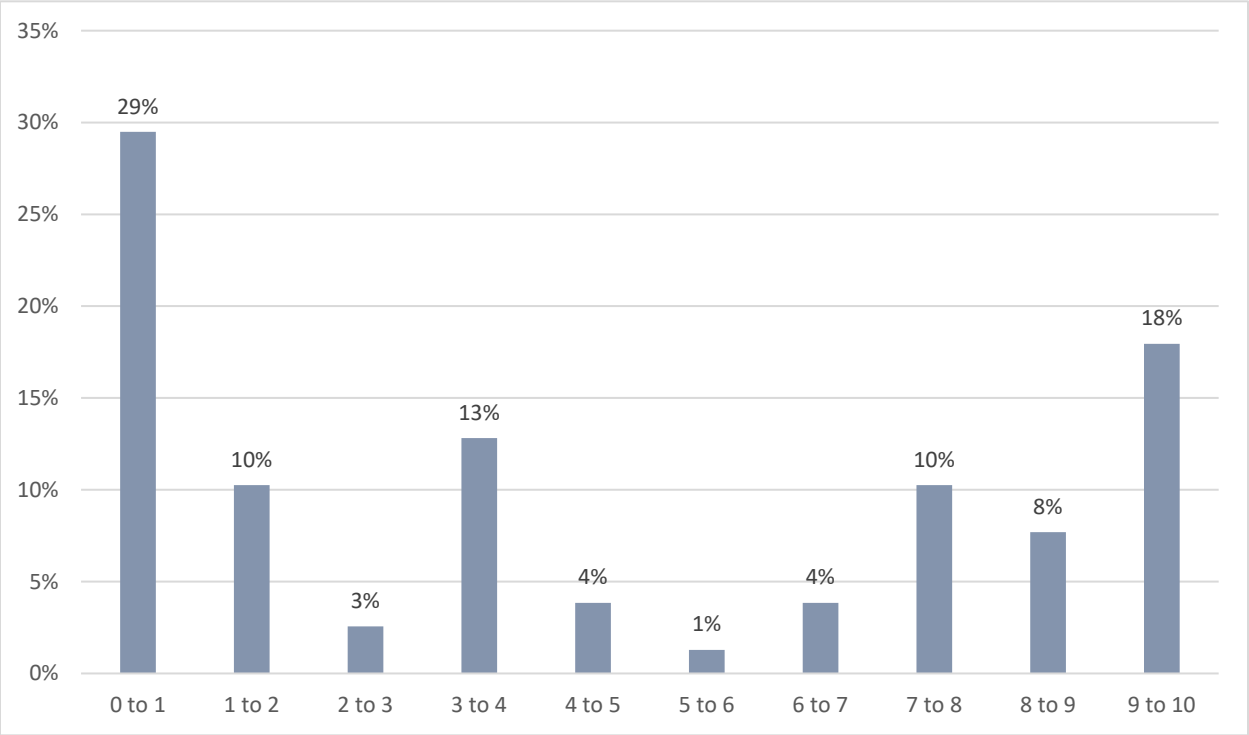


Figure 31: Support homeowners who want to build Accessory Dwelling Units or in-law units on single-family lots

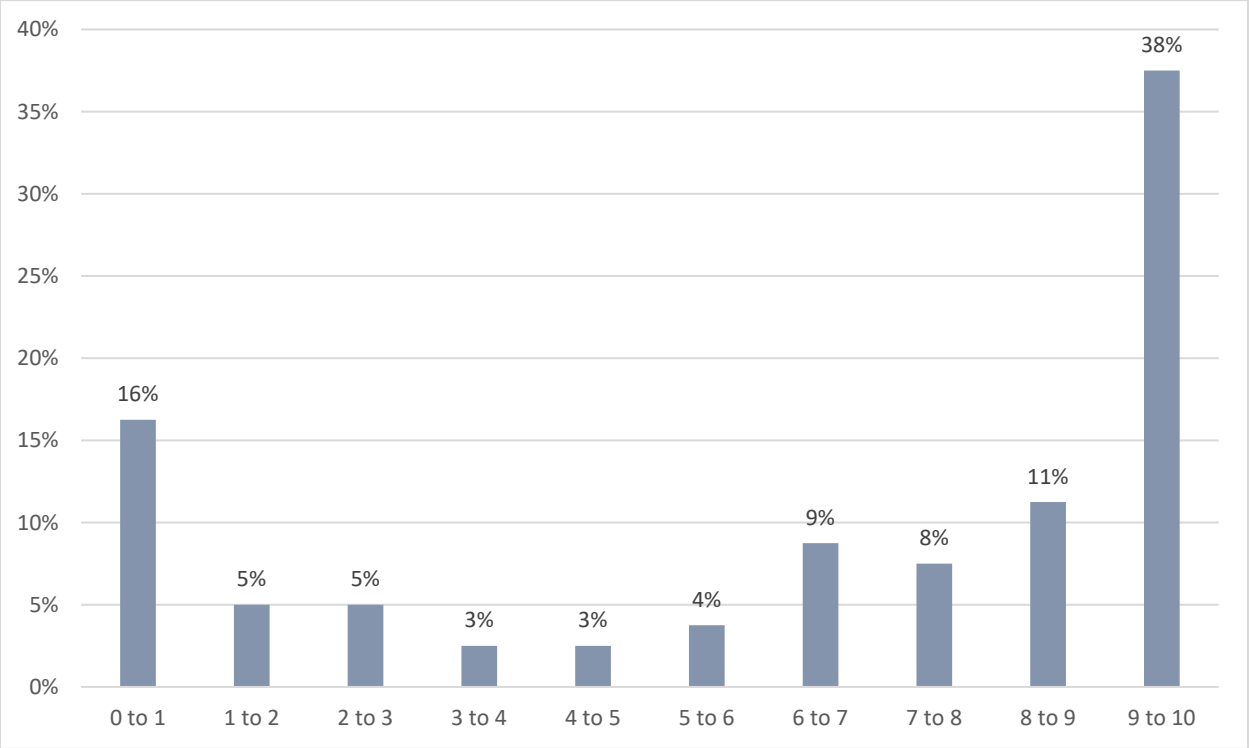


Figure 32: Establish housing for seniors, large families, veterans, and/or persons with disabilities

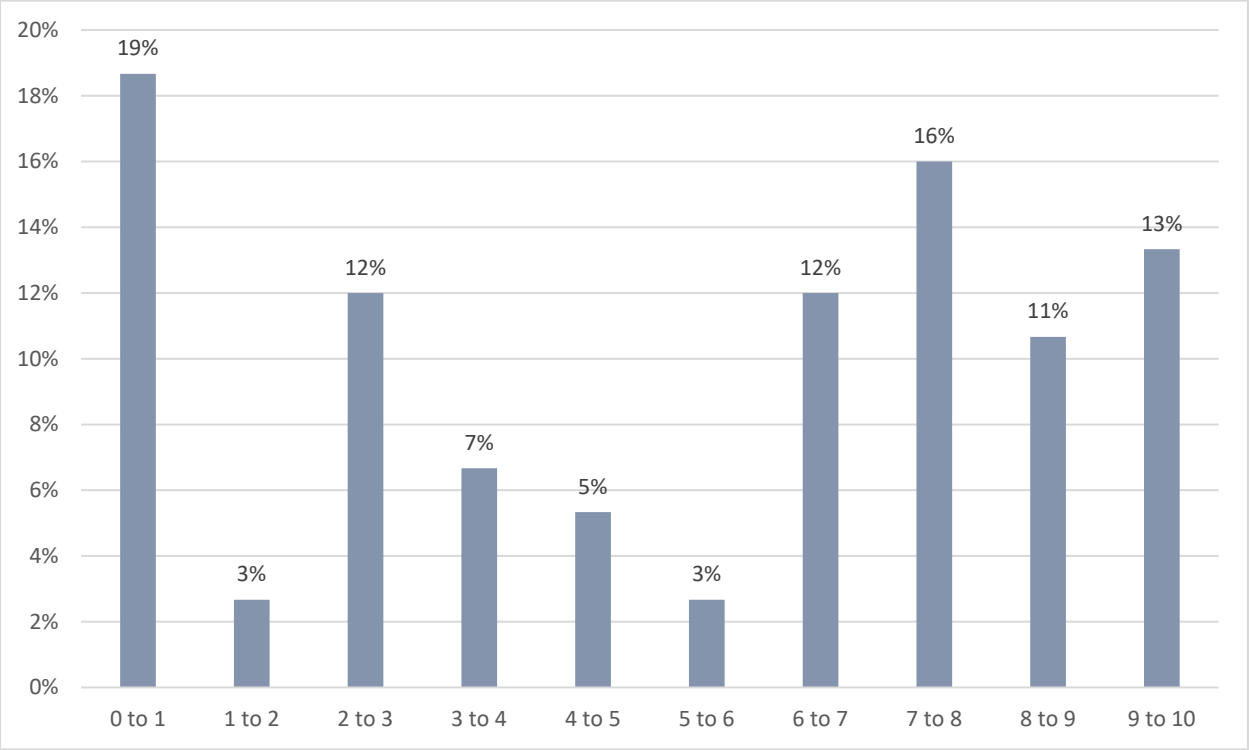


Figure 33: "Provide shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing"

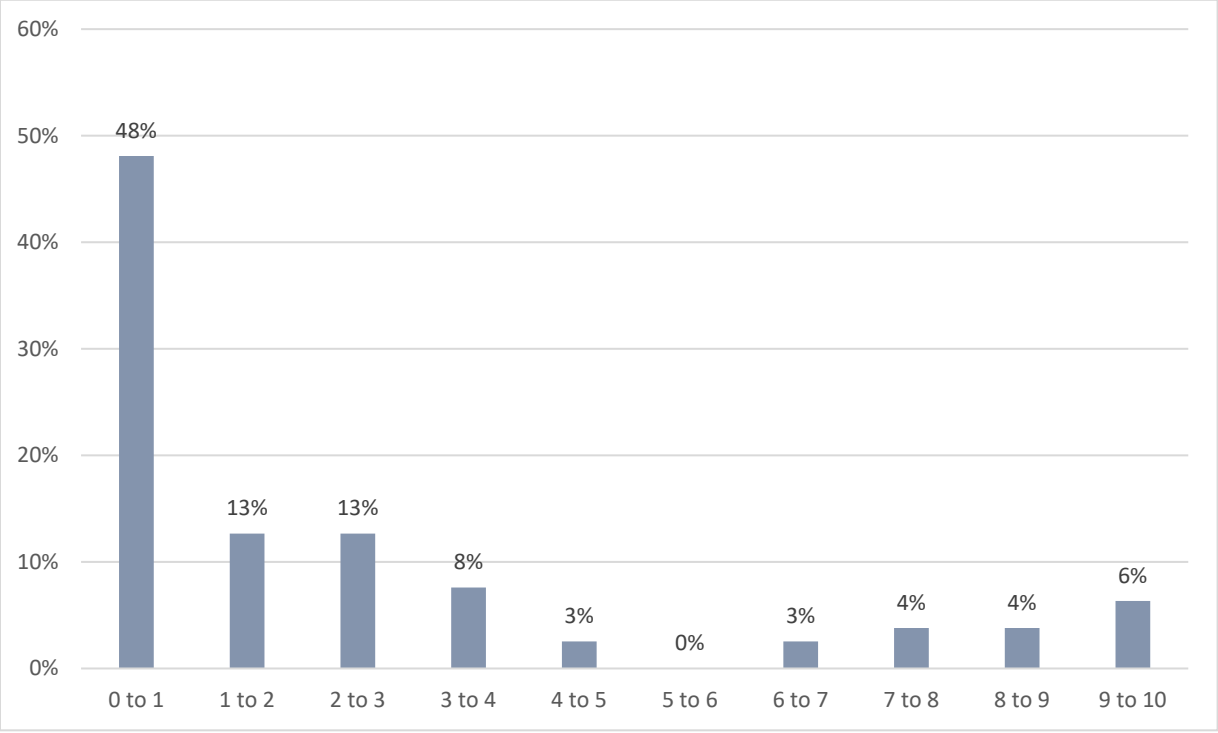


Figure 34: Encourage the rehabilitation of existing housing in older neighborhoods

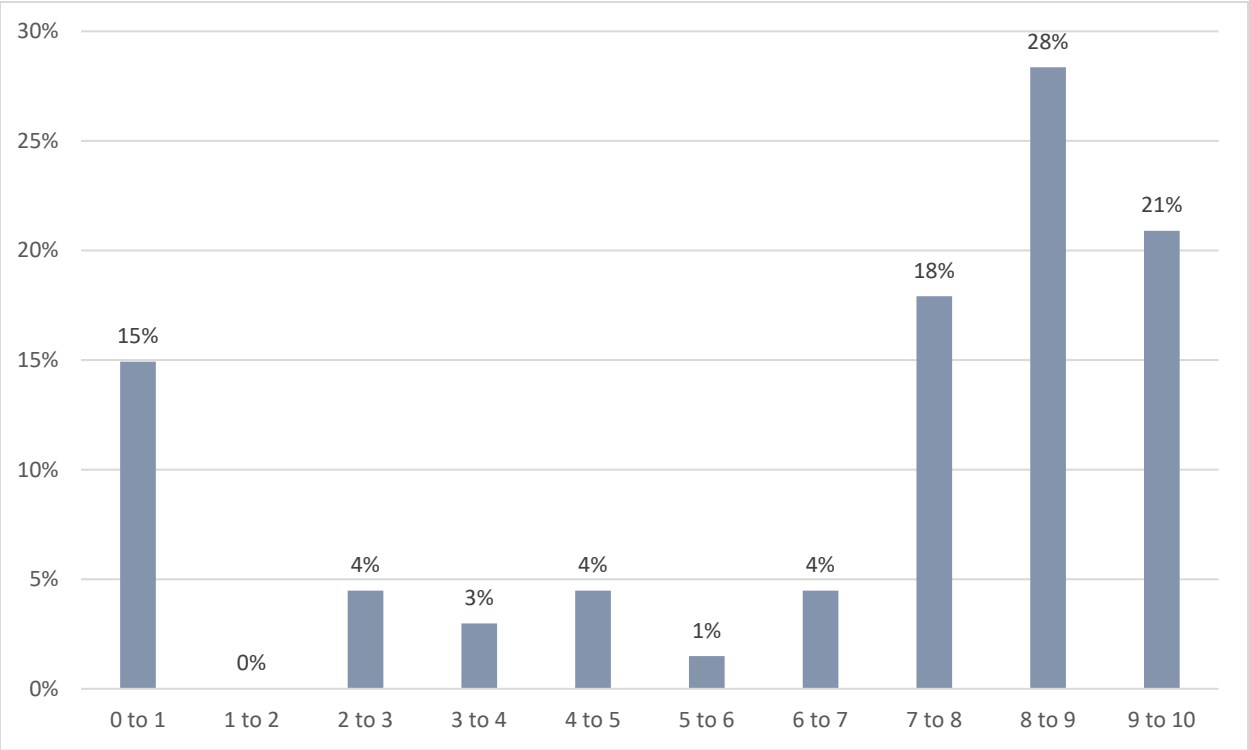


Figure 35: Support programs to help homeowners at risk of mortgage default to keep their homes

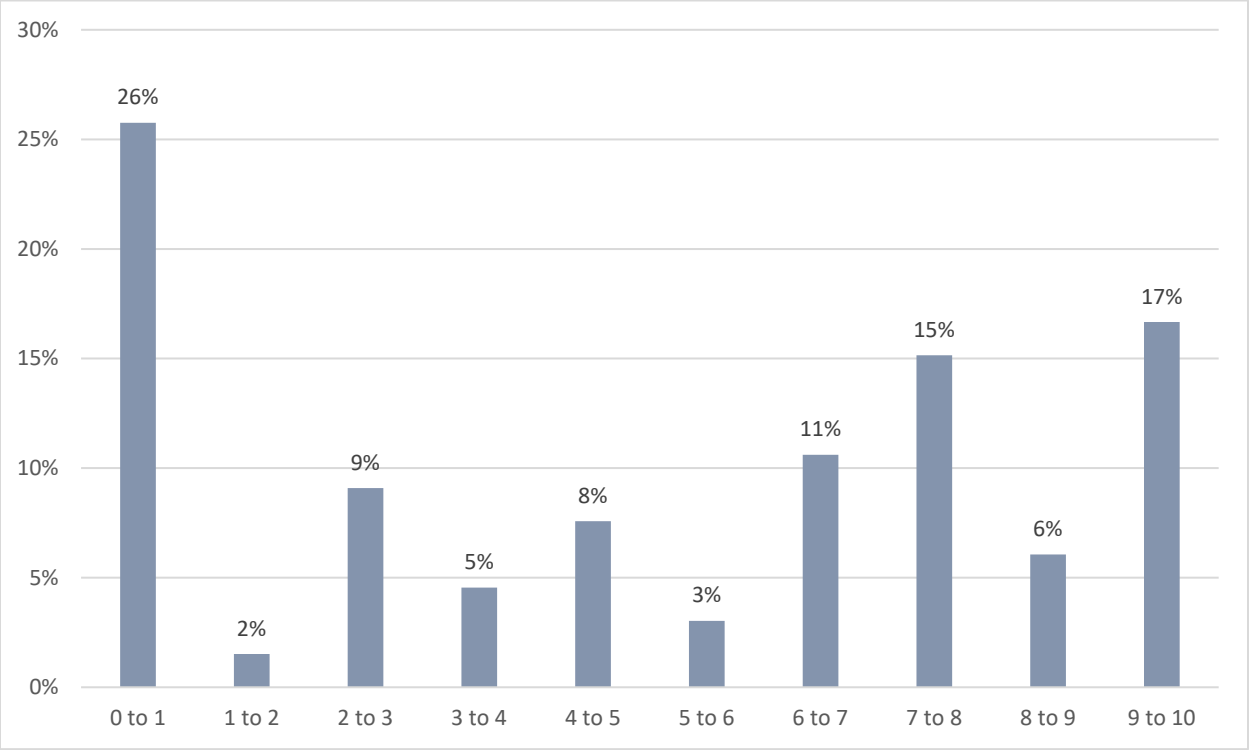
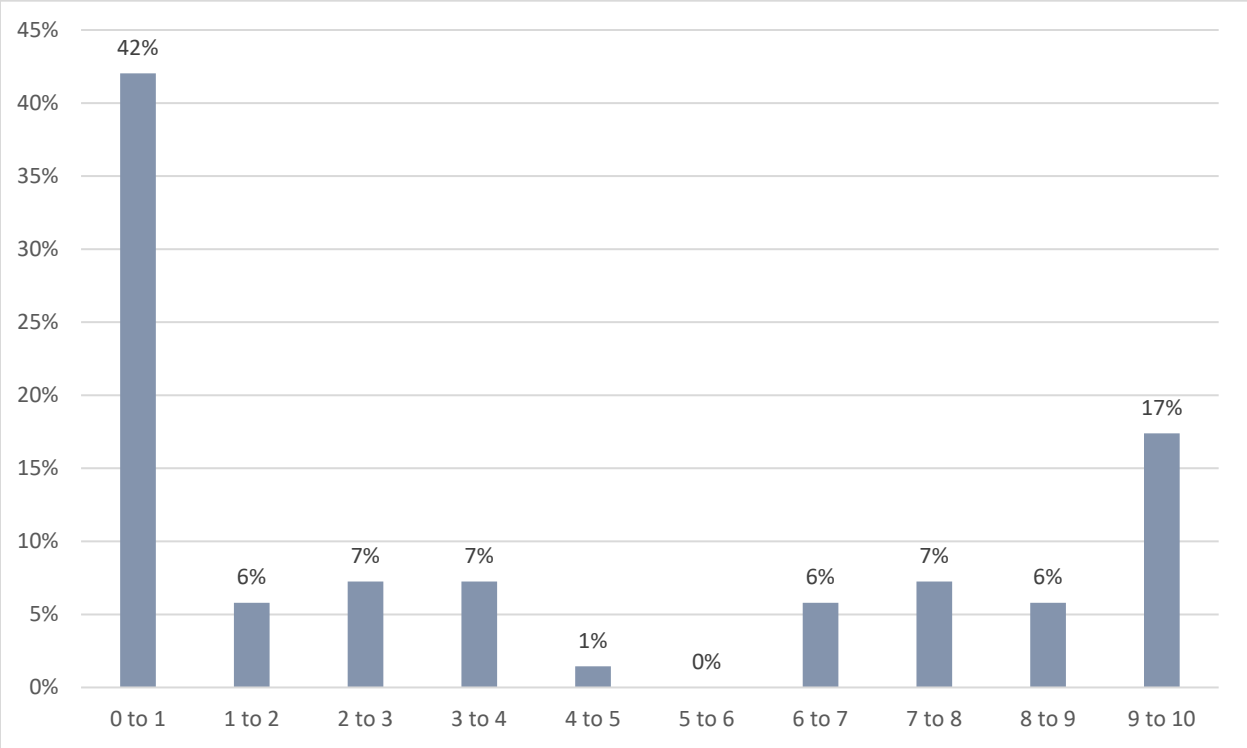


Figure 36: Target efforts to address long-term inequities in the housing market, including discrimination in renting



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)

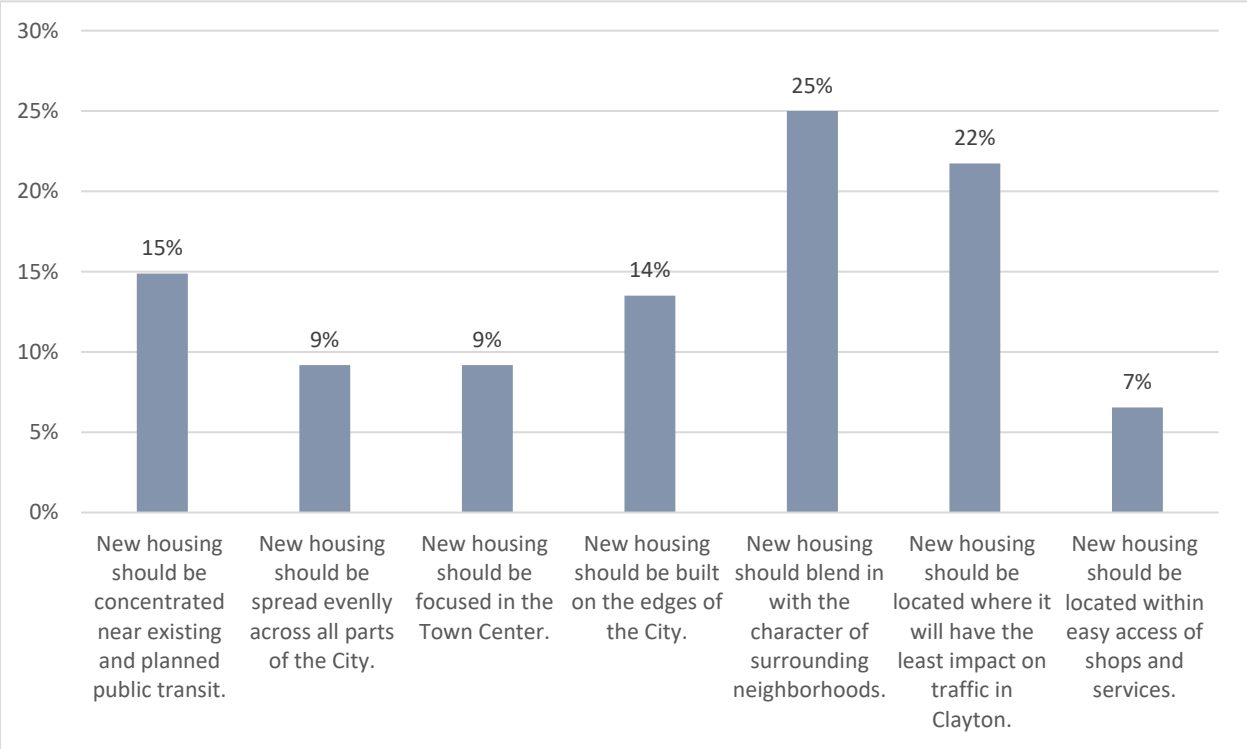


Table 1: Preferred Strategies

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%

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.

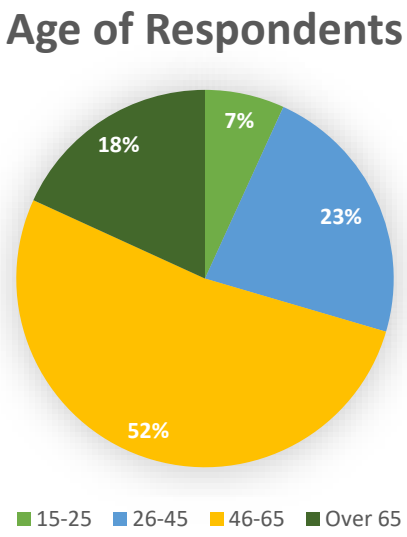
The simulation remained open for public participation for a total of 38 days. During that time, the simulation was accessed 382 times, and each participant spent an average of 16 minutes and 17 seconds engaged in the program. By closing of the simulation on the morning of April 4, 2022, a total of 44 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.

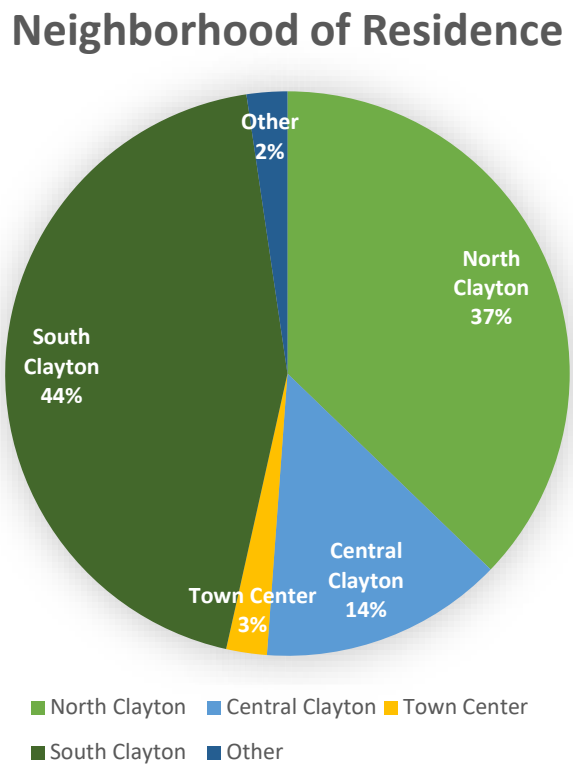


Age	Number of Respondents
15-25	3
26-45	10
46-65	23
Over 65	8
TOTAL	**44**

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

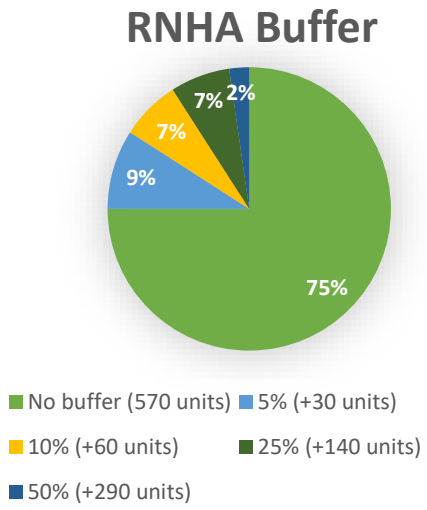
After answering the questions about their age and residence, participants were asked to specify whether they wanted to establish a buffer to the RHNA for their housing plan. Narrative in the simulation explained that the RHNA allocation of 570 new housing units in Clayton was the minimum number of units 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.

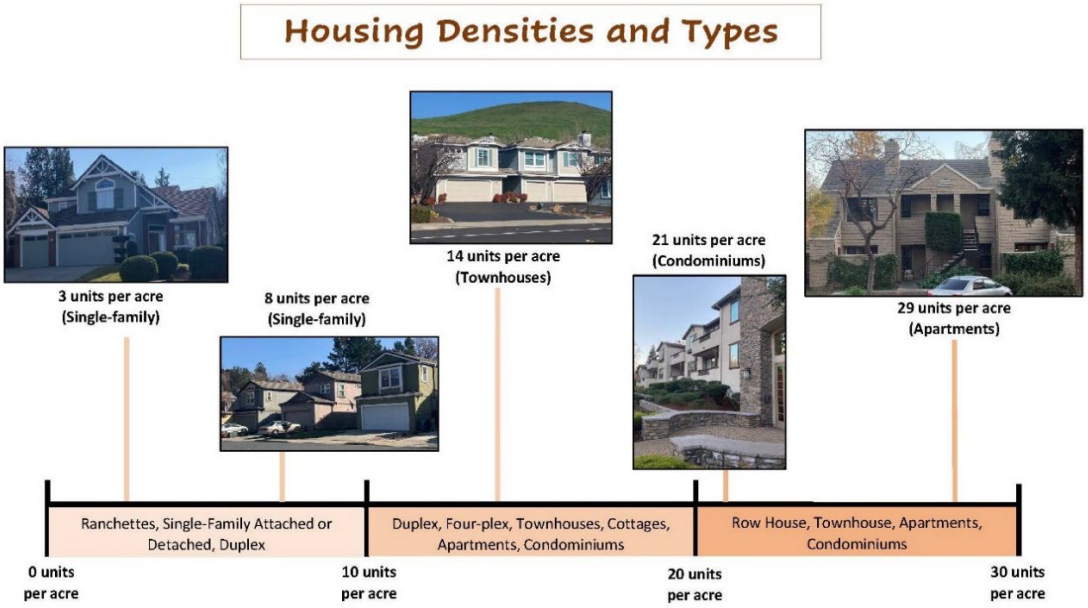
The simulation identified 18 vacant or underutilized sites in the City, as listed below. The sites in the simulation were based on the "City of Clayton Preliminary 6th Cycle Sites" map presented during the January 4, 2022, City Council study session on the Housing Element Update (see Appendix C). Each 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

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!

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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.

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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:



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Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:



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Terri Denslow, Chair

Appendix C

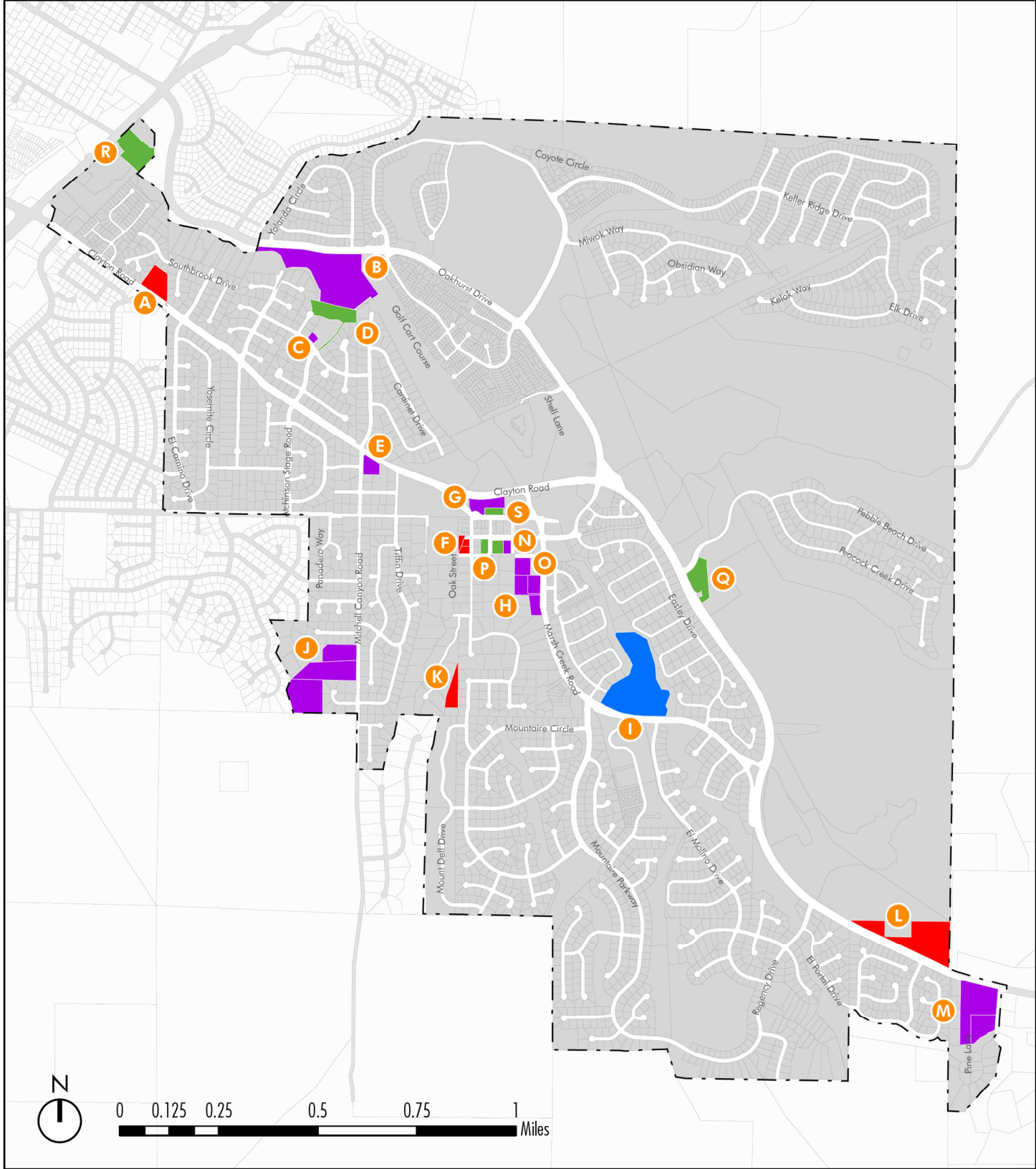
City of Clayton Preliminary 6th Cycle Sites

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